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7 KING COUNTY  
8 SUPERIOR COURT CLERK  
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10 CASE NUMBER: 13-2-39949-1 SEA

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13 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
14 FOR KING COUNTY

15 JOCELYN ALLEN; LAWRENCE J. ALLEN;  
16 VIVIAN LYNN ALLEN; CAREN BARNES;  
17 EMERY BLESSING; HORACE BLINER;  
18 ROBERTA BLINER; JASON BOGART;  
19 BRENDA BRAMMER; BRETNAY A.  
20 BROWNFIELD; DONALD N. CAMPBELL;  
21 DEBORAH JEAN CETTOLIN; CAROLE  
22 DENISE COGGIN; ROBERT ALLEN  
23 COGGIN; ANGELA COMSTOCK;  
24 TIMOTHY EUGENE CONNOR;  
25 CHRISTINE R. COUNCILMAN; DARYL  
26 CRAWFORD; SHAWNA CREED-  
WOOLERY ; ANITA DECKER; DANIEL  
DECKER; KERRI DECKER; SHAWN  
DECKER; DANIEL ANDREW DOLLOFF;  
JACOB DOLLOFF; TONI RAE DOLLOFF;  
JEFFREY DOSCH; KARRIE DOSCH;  
ALVINE DRAYTON; PATRICIA ANN  
DUKE; JUANITA DUPONT; DONALD  
WARREN EDWARDS; TAMMY ELSNER;  
MICHAEL PATRICK ETHIER; FAY  
FARRINGTON; LARRY D. FORD, SR.;  
KENNETH MARK FOREMAN; SHERRI  
LEE FOREMAN; MICHAEL GESE; AIMEE  
GREEN; JOSH GREEN; LEE LYNN  
HARDY; LISA ANN HARDY; BARRY  
CURTIS HARMON II; NICOLE HARMON;  
DONALD R. HAUPT; KARI LYN  
HERNANDEZ; RONALD A. HOLT; BRIAN  
JONES; MIKISHA D. JONES; TATIANA  
JONES; PHYLLIS KAIN; ROBERT  
KENNICOTT; ANDREY KINAKH; TONY  
KINGSADA; MICHELLE KLUSMEYER;  
SONJA LAPPLING; BRITTNEY LYNN  
LICKEY; ROBIN LINDY; WAYNE  
LINDY; ASHLEY LISENBY; PAULLET  
LITTLEFIELD; DEIDRE LORENZ;  
COURTNEY MACISAAC; PAUL

No. No. 13-2-39949-1 SEA

PLAINTIFFS' FIRST AMENDED  
COMPLAINT FOR DAMAGES

PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 MALAVOTTE; RANDOLPH  
2 MALILONG; ANNISSA MANOLOVITZ;  
3 LISA MARTIN; MARIE MCASKILL; JILL  
4 A. MENTZER; JOHN L. MENTZER; VICKI  
5 L. MILLS; KAREN MILLSAP; TERRENCE  
6 MILLSAP; KYLIE MOREFIELD;  
7 ELIZABETH MORGAN; TARA MOTT;  
8 CECILY NEILSEN; ANTHONY B.  
9 NOCERA; DIANE C. NOCERA; JESSICA  
10 PARKER; RICHARD PARKER; PATRICIA  
11 PLATTNER; MIKE RAMIREZ; LUDMILLA  
12 REDKA; BRIAN REITZ; KATHLEEN  
13 RISMOEN; MATTHEW MONTGOMERY  
14 ROBERTS; LURA ELAINE ROBERTSON;  
15 JANENE M. ROLLINS; CLAUDE  
16 ROUGHT; DAN RUDOLPH; DEBORAH A.  
17 RYAN; RICHARD R. RYAN; STEVE  
18 SANBORN; MICHAEL C. SCOTT;  
19 DAVEENE KIM SEARS; GERALD L.  
20 SEARS; DARRON SHOOK; LISA SHOOK;  
21 STACIE SIPPO; HAROLD A. SPONBERG;  
22 PENNY J. SPONBERG; TRENT B.  
23 TESTERMAN; BERNADETTE J.  
24 TRANHOLT; ROBIN L. TRANHOLT;  
25 JEFFREY A. TRELKA; KAREN R.  
26 TRELKA; JESSICA A. VAUGHN;  
27 GABRIEL WARREN; MAX WERDEN;  
28 TINA WERDEN; STACY WILEY;  
29 ANTHONY WILLIAMS; CINDA J.  
30 ZITTERICH; and RICKY L. ZITTERICH;

16 Plaintiffs,

17 v.

18 THE BOEING COMPANY, a Delaware  
19 Corporation; BOEING COMMERCIAL  
20 AIRPLANES; LANDAU ASSOCIATES,  
21 INC., a Washington Corporation; and DOES  
22 1-50, inclusive;

23 Defendants.

24 Plaintiffs JOCELYN ALLEN; LAWRENCE J. ALLEN; VIVIAN LYNN ALLEN;  
25 CAREN BARNES; EMERY BLESSING; HORACE BLINER; ROBERTA BLINER;  
26 JASON BOGART; BRENDA BRAMMER; BRETNAY A. BROWNFIELD; DONALD  
27 N. CAMPBELL; DEBORAH JEAN CETTOLIN; CAROLE DENISE COGGIN;

PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 ROBERT ALLEN COGGIN; ANGELA COMSTOCK; TIMOTHY EUGENE CONNOR;  
 2 CHRISTINE R. COUNCILMAN; DARYL CRAWFORD; SHAWNA CREED-  
 3 WOOLERY; ANITA DECKER; DANIEL DECKER; KERRI DECKER; SHAWN  
 4 DECKER; DANIEL ANDREW DOLLOFF; JACOB DOLLOFF; TONI RAE DOLLOFF;  
 5 JEFFREY DOSCH; KARRIE DOSCH; ALVINE DRAYTON; PATRICIA ANN DUKE;  
 6 JUANITA DUPONT; DONALD WARREN EDWARDS; TAMMY ELSNER; MICHAEL  
 7 PATRICK ETHIER; FAY FARRINGTON; LARRY D. FORD, SR.; KENNETH MARK  
 8 FOREMAN; SHERRI LEE FOREMAN; MICHAEL GESE; AIMEE GREEN; JOSH  
 9 GREEN; LEE LYNN HARDY; LISA ANN HARDY; BARRY CURTIS HARMON II;  
 10 NICOLE HARMON; DONALD R. HAUPT; KARI LYN HERNANDEZ; RONALD A.  
 11 HOLT; BRIAN JONES; MIKISHA D. JONES; TATIANA JONES; PHYLLIS KAIN;  
 12 ROBERT KENNICOTT; ANDREY KINAKH; TONY KINGSADA; MICHELLE  
 13 KLUSMEYER; SONJA LAPPING; BRITTNEY LYNN LICKEY; ROBIN LINDY;  
 14 WAYNE LINDY; ASHLEY LISENBY; PAULLET LITTLEFIELD; DEIDRE LORENZ;  
 15 PAUL MALAVOTTE; RANDOLPH MALILONG; ANNISSA MANOLOVITZ; LISA  
 16 MARTIN; MARIE MCASKILL; COURTNEY MACISSAC; JILL A. MENTZER; JOHN  
 17 L. MENTZER; VICKI L. MILLS; KAREN MILLSAP; TERRENCE MILLSAP; KYLIE  
 18 MOREFIELD; ELIZABETH MORGAN; TARA MOTT; CECILY NEILSEN;  
 19 ANTHONY B. NOCERA; DIANE C. NOCERA; JESSICA PARKER; RICHARD  
 20 PARKER; PATRICIA PLATTNER; MIKE RAMIREZ; LUDMILLA REDKA; BRIAN  
 21 REITZ; KATHLEEN RISMOEN; MATTHEW MONTGOMERY ROBERTS; LURA  
 22 ELAINE ROBERTSON; JANENE M. ROLLINS; CLAUDE ROUGHT; DAN  
 23 RUDOLPH; DEBORAH A. RYAN; RICHARD R. RYAN; STEVE SANBORN;  
 24 MICHAEL C. SCOTT; DAVEENE KIM SEARS; GERALD L. SEARS; DARRON  
 25 SHOOK; LISA SHOOK; STACIE SIPPO; HAROLD A. SPONBERG; PENNY J.  
 26 SPONBERG; TRENT B. TESTERMAN; BERNADETTE J. TRANHOLT; ROBIN L.  
 27 TRANHOLT; JEFFREY A. TRELKA; KAREN R. TRELKA; JESSICA A. VAUGHN;  
 PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 GABRIEL WARREN; MAX WERDEN; TINA WERDEN; STACY WILEY; ANTHONY  
 2 WILLIAMS, CINDA J. ZITTERICH; and RICKY L. ZITTERICH by and through their  
 3 attorneys: Girardi | Keese; Pfau, Cochran, Vertetis, Amala; and Vititoe Law Group, allege  
 4 as follows:

5 **I. PLAINTIFFS**

6 1.1 Plaintiffs are residents and property owners in King County, Washington.  
 7 Plaintiffs own and/or reside in properties affected by Defendants' hazardous substances.

8 1.2 Plaintiff JOCELYN ALLEN is an owner and/or resident of the property  
 9 located at 326 11th Ave. N, Algona, Washington. Plaintiff JOCELYN ALLEN has  
 10 suffered foreseeable injury and damage as a proximate result of Defendants The Boeing  
 11 Company, Inc., Boeing Commercial Airplanes, Landau Associates, Inc., and Does 1-50  
 12 (hereafter collectively referred to as "DEFENDANTS") actions and failures to act in that  
 13 her property has been damaged, trespassed upon, her property rights have been violated,  
 14 the value of her home has been adversely affected, and she has been exposed to toxic  
 15 chemicals. Plaintiff JOCELYN ALLEN brings suit against each DEFENDANT named  
 16 herein for each cause of action listed herein and seeks general and economic damages  
 17 directly and foreseeably resulting from DEFENDANTS' actions, consequential damages,  
 18 and attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

19 1.3 Plaintiff LAWRENCE J. ALLEN is an owner and/or resident of the property  
 20 located at 35 1<sup>st</sup> Ave. N., Algona, Washington. Plaintiff LAWRENCE J. ALLEN has  
 21 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 22 and failures to act in that his property has been damaged, trespassed upon, his property  
 23 rights have been violated, the value of his home has been adversely affected, and he has  
 24 been exposed to toxic chemicals. Plaintiff LAWRENCE J. ALLEN brings suit against  
 25 each DEFENDANT named herein for each cause of action listed herein and seeks general  
 26 and economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 27 consequential damages, and attorneys' fees and expenses as allowed by law, and in an

**PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES**

1 amount to be proved at trial.

2       1.4 Plaintiff VIVIAN LYNN ALLEN is an owner and/or resident of the property  
 3 located at 35 1<sup>st</sup> Ave. N., Algona, Washington. Plaintiff VIVIAN LYNN ALLEN has  
 4 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 5 and failures to act in that her property has been damaged, trespassed upon, her property  
 6 rights have been violated, the value of her home has been adversely affected, and she has  
 7 been exposed to toxic chemicals. Plaintiff VIVIAN LYNN ALLEN brings suit against  
 8 each DEFENDANT named herein for each cause of action listed herein and seeks general  
 9 and economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 10 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 11 amount to be proved at trial.

12       1.5. Plaintiff CAREN BARNES is an owner and/or resident of the property  
 13 located at 216 Butte Ave., Pacific, Washington. Plaintiff CAREN BARNES has suffered  
 14 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 15 failures to act in that her property has been damaged, trespassed upon, her property rights  
 16 have been violated, the value of her home has been adversely affected, and she has been  
 17 exposed to toxic chemicals. Plaintiff CAREN BARNES brings suit against each  
 18 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 19 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 20 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 21 amount to be proved at trial.

22       1.6 Plaintiff EMERY BLESSING is an owner and/or resident of the property  
 23 located at 330 11th Ave. N., Algona, Washington. Plaintiff EMERY BLESSING has  
 24 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 25 and failures to act in that his property has been damaged, trespassed upon, his property  
 26 rights have been violated, the value of his home has been adversely affected, and he has  
 27 been exposed to toxic chemicals. Plaintiff EMERY BLESSING brings suit against each

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 2 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 3 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 4 amount to be proved at trial.

5       1.7 Plaintiff HORACE BLINER is an owner and/or resident of the property  
 6 located at 1031 Algona Blvd. N., Algona, Washington. Plaintiff HORACE BLINER has  
 7 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 8 and failures to act in that his property has been damaged, trespassed upon, his property  
 9 rights have been violated, the value of his home has been adversely affected, and he has  
 10 been exposed to toxic chemicals. Plaintiff HORACE BLINER brings suit against each  
 11 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 12 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 13 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 14 amount to be proved at trial.

15       1.8 Plaintiff ROBERTA BLINER is an owner and/or resident of the property  
 16 located at 1031 Algona Blvd. N., Algona, Washington. Plaintiff ROBERTA BLINER has  
 17 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 18 and failures to act in that her property has been damaged, trespassed upon, her property  
 19 rights have been violated, the value of her home has been adversely affected, and she has  
 20 been exposed to toxic chemicals. Plaintiff ROBERTA BLINER brings suit against each  
 21 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 22 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 23 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 24 amount to be proved at trial.

25       1.9 Plaintiff JASON BOGART is an owner and/or resident of the property  
 26 located at 37 1<sup>st</sup> Ave. N., Algona, Washington. Plaintiff JASON BOGART has suffered  
 27 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 failures to act in that his property has been damaged, trespassed upon, his property rights  
 2 have been violated, the value of his home has been adversely affected, and he has been  
 3 exposed to toxic chemicals. Plaintiff JASON BOGART brings suit against each  
 4 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 5 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 6 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 7 amount to be proved at trial.

8       1.10 Plaintiff BRENDÀ BRAMMER is an owner and/or resident of the  
 9 property located at 1009 Celery Ave., Algona, Washington. Plaintiff BRENDÀ  
 10 BRAMMER has suffered foreseeable injury and damage as a proximate result of  
 11 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 12 trespassed upon, her property rights have been violated, the value of her home has been  
 13 adversely affected, and she has been exposed to toxic chemicals. Plaintiff BRENDÀ  
 14 BRAMMER brings suit against each DEFENDANT named herein for each cause of action  
 15 listed herein and seeks general and economic damages directly and foreseeably resulting  
 16 from DEFENDANTS' actions, consequential damages, and attorneys' fees and expenses  
 17 as allowed by law, and in an amount to be proved at trial.

18       1.11 Plaintiff BRETNÉY A. BROWNFIELD is an owner and/or resident of the  
 19 property located at 202 11th Ave. N, Algona, Washington. Plaintiff BRETNÉY A.  
 20 BROWNFIELD has suffered foreseeable injury and damage as a proximate result of  
 21 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 22 trespassed upon, her property rights have been violated, the value of her home has been  
 23 adversely affected, and she has been exposed to toxic chemicals. Plaintiff BRETNÉY A.  
 24 BROWNFIELD brings suit against each DEFENDANT named herein for each cause of  
 25 action listed herein and seeks general and economic damages directly and foreseeably  
 26 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 27 expenses as allowed by law, and in an amount to be proved at trial.

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1           1.12 Plaintiff DONALD N. CAMPBELL is an owner and/or resident of the  
 2 property located at 46 4<sup>th</sup> Ave. N., Algona, Washington. Plaintiff DONALD N.  
 3 CAMPBELL has suffered foreseeable injury and damage as a proximate result of  
 4 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 5 trespassed upon, his property rights have been violated, the value of his home has been  
 6 adversely affected, and he has been exposed to toxic chemicals. Plaintiff DONALD N.  
 7 CAMPBELL brings suit against each DEFENDANT named herein for each cause of  
 8 action listed herein and seeks general and economic damages directly and foreseeably  
 9 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 10 expenses as allowed by law, and in an amount to be proved at trial.

11           1.13 Plaintiff DEBORAH JEAN CETTOLIN is an owner and/or resident of the  
 12 property located at 217 8th Ave. N, Algona Washington. Plaintiff DEBORAH JEAN  
 13 CETTOLIN has suffered foreseeable injury and damage as a proximate result of  
 14 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 15 trespassed upon, her property rights have been violated, the value of her home has been  
 16 adversely affected, and she has been exposed to toxic chemicals. Plaintiff DEBORAH  
 17 JEAN CETTOLIN brings suit against each DEFENDANT named herein for each cause of  
 18 action listed herein and seeks general and economic damages directly and foreseeably  
 19 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 20 expenses as allowed by law, and in an amount to be proved at trial.

21           1.14 Plaintiff CAROLE DENISE COGGIN is an owner and/or resident of the  
 22 property located at 110 6<sup>th</sup> Ave. N., Algona, Washington. Plaintiff CAROLE DENISE  
 23 COGGIN has suffered foreseeable injury and damage as a proximate result of  
 24 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 25 trespassed upon, her property rights have been violated, the value of her home has been  
 26 adversely affected, and she has been exposed to toxic chemicals. Plaintiff CAROLE  
 27 DENISE COGGIN brings suit against each DEFENDANT named herein for each cause of

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 action listed herein and seeks general and economic damages directly and foreseeably  
 2 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 3 expenses as allowed by law, and in an amount to be proved at trial.

4       1.15 Plaintiff ROBERT ALLEN COGGIN is an owner and/or resident of the  
 5 property located at 110 6<sup>th</sup> Ave. N., Algona, Washington. Plaintiff ROBERT ALLEN  
 6 COGGIN has suffered foreseeable injury and damage as a proximate result of  
 7 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 8 trespassed upon, his property rights have been violated, the value of his home has been  
 9 adversely affected, and he has been exposed to toxic chemicals. Plaintiff ROBERT  
 10 ALLEN COGGIN brings suit against each DEFENDANT named herein for each cause of  
 11 action listed herein and seeks general and economic damages directly and foreseeably  
 12 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 13 expenses as allowed by law, and in an amount to be proved at trial.

14       1.16 Plaintiff ANGELA COMSTOCK is an owner and/or resident of the  
 15 property located at 27 2<sup>nd</sup> Ave N., Algona, Washington. Plaintiff ANGELA COMSTOCK  
 16 has suffered foreseeable injury and damage as a proximate result of DEFENDANTS'  
 17 actions and failures to act in that her property has been damaged, trespassed upon, her  
 18 property rights have been violated, the value of her home has been adversely affected, and  
 19 she has been exposed to toxic chemicals. Plaintiff ANGELA COMSTOCK brings suit  
 20 against each DEFENDANT named herein for each cause of action listed herein and seeks  
 21 general and economic damages directly and foreseeably resulting from DEFENDANTS'  
 22 actions, consequential damages, and attorneys' fees and expenses as allowed by law, and  
 23 in an amount to be proved at trial.

24       1.17 Plaintiff TIMOTHY EUGENE CONNOR is an owner and/or resident of  
 25 the property located at 208 Algona Blvd. N., Algona, Washington. Plaintiff TIMOTHY  
 26 EUGENE CONNOR has suffered foreseeable injury and damage as a proximate result of  
 27 DEFENDANTS' actions and failures to act in that his property has been damaged,

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 trespassed upon, his property rights have been violated, the value of his home has been  
 2 adversely affected, and he has been exposed to toxic chemicals. Plaintiff TIMOTHY  
 3 EUGENE CONNOR brings suit against each DEFENDANT named herein for each cause  
 4 of action listed herein and seeks general and economic damages directly and foreseeably  
 5 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 6 expenses as allowed by law, and in an amount to be proved at trial.

7       1.18 Plaintiff CHRISTINE R. COUNCILMAN is an owner and/or resident of  
 8 the property located at 220 11th Ave. N, Algona, Washington. Plaintiff CHRISTINE R.  
 9 COUNCILMAN has suffered foreseeable injury and damage as a proximate result of  
 10 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 11 trespassed upon, her property rights have been violated, the value of her home has been  
 12 adversely affected, and she has been exposed to toxic chemicals. Plaintiff CHRISTINE R.  
 13 COUNCILMAN brings suit against each DEFENDANT named herein for each cause of  
 14 action listed herein and seeks general and economic damages directly and foreseeably  
 15 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 16 expenses as allowed by law, and in an amount to be proved at trial.

17       1.19 Plaintiff DARYL CRAWFORD is an owner and/or resident of the property  
 18 located at 303 10th Ave. N, Algona, Washington. Plaintiff DARYL CRAWFORD has  
 19 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 20 and failures to act in that his property has been damaged, trespassed upon, his property  
 21 rights have been violated, the value of his home has been adversely affected, and he has  
 22 been exposed to toxic chemicals. Plaintiff DARYL CRAWFORD brings suit against each  
 23 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 24 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 25 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 26 amount to be proved at trial.

27       1.20 Plaintiff SHAWNA CREED-WOOLERY is an owner and/or resident of the  
 PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 property located at 124 5<sup>th</sup> Ave. N., Algona, Washington. Plaintiff SHAWNA CREED-  
 2 WOOLERY has suffered foreseeable injury and damage as a proximate result of  
 3 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 4 trespassed upon, her property rights have been violated, the value of her home has been  
 5 adversely affected, and she has been exposed to toxic chemicals. Plaintiff SHAWNA  
 6 CREED-WOOLERY brings suit against each DEFENDANT named herein for each cause  
 7 of action listed herein and seeks general and economic damages directly and foreseeable  
 8 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 9 expenses as allowed by law, and in an amount to be proved at trial.

10       1.21 Plaintiff ANITA DECKER is an owner and/or resident of the property  
 11 located at 309 Broadway Blvd., Algona, Washington. Plaintiff ANITA DECKER has  
 12 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 13 and failures to act in that her property has been damaged, trespassed upon, her property  
 14 rights have been violated, the value of her home has been adversely affected, and she has  
 15 been exposed to toxic chemicals. Plaintiff ANITA DECKER brings suit against each  
 16 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 17 economic damages directly and foreseeable resulting from DEFENDANTS' actions,  
 18 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 19 amount to be proved at trial.

20       1.22 Plaintiff DANIEL DECKER is an owner and/or resident of the property  
 21 located at 309 Broadway Blvd., Algona, Washington. Plaintiff DANIEL DECKER has  
 22 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 23 and failures to act in that his property has been damaged, trespassed upon, his property  
 24 rights have been violated, the value of his home has been adversely affected, and he has  
 25 been exposed to toxic chemicals. Plaintiff DANIEL DECKER brings suit against each  
 26 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 27 economic damages directly and foreseeable resulting from DEFENDANTS' actions,

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 2 amount to be proved at trial.

3           1.23 Plaintiff KERRI DECKER is an owner and/or resident of the property  
 4 located at 205 8<sup>th</sup> Ave. N., Algona, Washington. Plaintiff KERRI DECKER has suffered  
 5 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 6 failures to act in that her property has been damaged, trespassed upon, her property rights  
 7 have been violated, the value of her home has been adversely affected, and she has been  
 8 exposed to toxic chemicals. Plaintiff KERRI DECKER brings suit against each  
 9 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 10 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 11 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 12 amount to be proved at trial.

13           1.24 Plaintiff SHAWN DECKER is an owner and/or resident of the property  
 14 located at 205 8<sup>th</sup> Ave. N., Algona, Washington. Plaintiff SHAWN DECKER has suffered  
 15 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 16 failures to act in that his property has been damaged, trespassed upon, his property rights  
 17 have been violated, the value of his home has been adversely affected, and he has been  
 18 exposed to toxic chemicals. Plaintiff SHAWN DECKER brings suit against each  
 19 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 20 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 21 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 22 amount to be proved at trial.

23           1.25 Plaintiff DANIEL ANDREW DOLLOFF is an owner and/or resident of the  
 24 property located at 318 Junction Blvd., Algona, Washington. Plaintiff DANIEL  
 25 ANDREW DOLLOFF has suffered foreseeable injury and damage as a proximate result of  
 26 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 27 trespassed upon, his property rights have been violated, the value of his home has been

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 adversely affected, and he has been exposed to toxic chemicals. Plaintiff DANIEL  
 2 ANDREW DOLLOFF brings suit against each DEFENDANT named herein for each  
 3 cause of action listed herein and seeks general and economic damages directly and  
 4 foreseeably resulting from DEFENDANTS' actions, consequential damages, and  
 5 attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

6       1.26 Plaintiff JACOB DOLLOFF is an owner and/or resident of the property  
 7 located at 318 Junction Blvd., Algona, Washington. Plaintiff JACOB DOLLOFF has  
 8 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 9 and failures to act in that his property has been damaged, trespassed upon, his property  
 10 rights have been violated, the value of his home has been adversely affected, and he has  
 11 been exposed to toxic chemicals. Plaintiff JACOB DOLLOFF brings suit against each  
 12 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 13 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 14 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 15 amount to be proved at trial.

16       1.27 Plaintiff TONI RAE DOLLOFF is an owner and/or resident of the property  
 17 located at 38 Junction Blvd., Algona, Washington. Plaintiff TONI RAE DOLLOFF has  
 18 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 19 and failures to act in that her property has been damaged, trespassed upon, her property  
 20 rights have been violated, the value of her home has been adversely affected, and she has  
 21 been exposed to toxic chemicals. Plaintiff TONI RAE DOLLOFF brings suit against each  
 22 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 23 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 24 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 25 amount to be proved at trial.

26       1.28 Plaintiff JEFFREY DOSCH is an owner and/or resident of the property  
 27 located at 0214 Main Street, Algona, Washington. Plaintiff JEFFREY DOSCH has

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1 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 2 and failures to act in that his property has been damaged, trespassed upon, his property  
 3 rights have been violated, the value of his home has been adversely affected, and he has  
 4 been exposed to toxic chemicals. Plaintiff JEFFREY DOSCH brings suit against each  
 5 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 6 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 7 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 8 amount to be proved at trial.

9       1.29 Plaintiff KARRIE DOSCH is an owner and/or resident of the property  
 10 located at 0214 Main Street, Algona, Washington. Plaintiff KARRIE DOSCH has  
 11 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 12 and failures to act in that her property has been damaged, trespassed upon, her property  
 13 rights have been violated, the value of her home has been adversely affected, and she has  
 14 been exposed to toxic chemicals. Plaintiff KARRIE DOSCH brings suit against each  
 15 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 16 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 17 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 18 amount to be proved at trial.

19       1.30 Plaintiff ALVINE DRAYTON is an owner and/or resident of the property  
 20 located at 328 11th Ave. N, Algona, Washington. Plaintiff ALVINE DRAYTON has  
 21 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 22 and failures to act in that her property has been damaged, trespassed upon, her property  
 23 rights have been violated, the value of her home has been adversely affected, and she has  
 24 been exposed to toxic chemicals. Plaintiff ALVINE DRAYTON brings suit against each  
 25 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 26 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 27 consequential damages, and attorneys' fees and expenses as allowed by law, and in an

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1 amount to be proved at trial.

2       1.31 Plaintiff PATRICIA ANN DUKE is an owner and/or resident of the  
 3 property located at 103 2<sup>nd</sup> Ave. So., Algona, Washington. Plaintiff PATRICIA ANN  
 4 DUKE has suffered foreseeable injury and damage as a proximate result of  
 5 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 6 trespassed upon, her property rights have been violated, the value of her home has been  
 7 adversely affected, and she has been exposed to toxic chemicals. Plaintiff PATRICIA  
 8 ANN DUKE brings suit against each DEFENDANT named herein for each cause of action  
 9 listed herein and seeks general and economic damages directly and foreseeably resulting  
 10 from DEFENDANTS' actions, consequential damages, and attorneys' fees and expenses  
 11 as allowed by law, and in an amount to be proved at trial.

12       1.32 Plaintiff JUANITA DUPONT is an owner and/or resident of the property  
 13 located at 106 6<sup>th</sup> Ave. N., Algona, Washington. Plaintiff JUANITA DUPONT has  
 14 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 15 and failures to act in that her property has been damaged, trespassed upon, her property  
 16 rights have been violated, the value of her home has been adversely affected, and she has  
 17 been exposed to toxic chemicals. Plaintiff JUANITA DUPONT brings suit against each  
 18 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 19 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 20 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 21 amount to be proved at trial.

22       1.33 Plaintiff DONALD WARREN EDWARDS is an owner and/or resident of  
 23 the property located at 810 Celery Ave., Algona, Washington. Plaintiff DONALD  
 24 WARREN EDWARDS has suffered foreseeable injury and damage as a proximate result  
 25 of DEFENDANTS' actions and failures to act in that his property has been damaged,  
 26 trespassed upon, his property rights have been violated, the value of his home has been  
 27 adversely affected, and he has been exposed to toxic chemicals. Plaintiff DONALD

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1 WARREN EDWARDS brings suit against each DEFENDANT named herein for each  
 2 cause of action listed herein and seeks general and economic damages directly and  
 3 foreseeably resulting from DEFENDANTS' actions, consequential damages, and  
 4 attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

5       1.34 Plaintiff TAMMY ELSNER is an owner and/or resident of the property  
 6 located at 306 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff TAMMY ELSNER has  
 7 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 8 and failures to act in that her property has been damaged, trespassed upon, her property  
 9 rights have been violated, the value of her home has been adversely affected, and she has  
 10 been exposed to toxic chemicals. Plaintiff TAMMY ELSNER brings suit against each  
 11 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 12 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 13 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 14 amount to be proved at trial.

15       1.35 Plaintiff MICHAEL PATRICK ETHIER is an owner and/or resident of the  
 16 property located at 105 Algona Blvd. N., Algona, Washington. Plaintiff MICHAEL  
 17 PATRICK ETHIER has suffered foreseeable injury and damage as a proximate result of  
 18 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 19 trespassed upon, his property rights have been violated, the value of his home has been  
 20 adversely affected, and he has been exposed to toxic chemicals. Plaintiff MICHAEL  
 21 PATRICK ETHIER brings suit against each DEFENDANT named herein for each cause  
 22 of action listed herein and seeks general and economic damages directly and foreseeably  
 23 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 24 expenses as allowed by law, and in an amount to be proved at trial.

25       1.36 Plaintiff FAY FARRINGTON is an owner and/or resident of the property  
 26 located at 240 11th Ave. N., Algona, Washington. Plaintiff FAY FARRINGTON has  
 27 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions

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1 and failures to act in that her property has been damaged, trespassed upon, her property  
 2 rights have been violated, the value of her home has been adversely affected, and she has  
 3 been exposed to toxic chemicals. Plaintiff FAY FARRINGTON brings suit against each  
 4 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 5 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 6 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 7 amount to be proved at trial.

8       1.37 Plaintiff LARRY D. FORD SR. is an owner and/or resident of the property  
 9 located at 206 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff LARRY D. FORD, SR. has  
 10 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 11 and failures to act in that his property has been damaged, trespassed upon, his property  
 12 rights have been violated, the value of his home has been adversely affected, and he has  
 13 been exposed to toxic chemicals. Plaintiff LARRY D. FORD, SR. brings suit against each  
 14 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 15 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 16 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 17 amount to be proved at trial.

18       1.38 Plaintiff KENNETH MARK FOREMAN is an owner and/or resident of the  
 19 property located at 219 10th Ave. N., Algona, Washington. Plaintiff KENNETH MARK  
 20 FOREMAN has suffered foreseeable injury and damage as a proximate result of  
 21 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 22 trespassed upon, his property rights have been violated, the value of his home has been  
 23 adversely affected, and he has been exposed to toxic chemicals. Plaintiff KENNETH  
 24 MARK FOREMAN brings suit against each DEFENDANT named herein for each cause  
 25 of action listed herein and seeks general and economic damages directly and foreseeably  
 26 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 27 expenses as allowed by law, and in an amount to be proved at trial.

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1           1.39 Plaintiff SHERRI LEE FOREMAN is an owner and/or resident of the  
 2 property located at 219 10th Ave. N., Algona, Washington. Plaintiff SHERRI LEE  
 3 FOREMAN has suffered foreseeable injury and damage as a proximate result of  
 4 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 5 trespassed upon, her property rights have been violated, the value of her home has been  
 6 adversely affected, and she has been exposed to toxic chemicals. Plaintiff SHERRI LEE  
 7 FOREMAN brings suit against each DEFENDANT named herein for each cause of action  
 8 listed herein and seeks general and economic damages directly and foreseeably resulting  
 9 from DEFENDANTS' actions, consequential damages, and attorneys' fees and expenses  
 10 as allowed by law, and in an amount to be proved at trial.

11           1.40 Plaintiff MICHAEL GESE is an owner and/or resident of the property  
 12 located at 105 9<sup>th</sup> Ave. N., Algona, Washington. Plaintiff MICHAEL GESE has suffered  
 13 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 14 failures to act in that his property has been damaged, trespassed upon, his property rights  
 15 have been violated, the value of his home has been adversely affected, and he has been  
 16 exposed to toxic chemicals. Plaintiff MICHAEL GESE brings suit against each  
 17 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 18 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 19 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 20 amount to be proved at trial.

21           1.41 Plaintiff AIMEE GREEN is an owner and/or resident of the property  
 22 located at 303 10th Ave. N., Algona, Washington. Plaintiff AIMEE GREEN has suffered  
 23 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 24 failures to act in that her property has been damaged, trespassed upon, her property rights  
 25 have been violated, the value of her home has been adversely affected, and she has been  
 26 exposed to toxic chemicals. Plaintiff AIMEE GREEN brings suit against each  
 27 DEFENDANT named herein for each cause of action listed herein and seeks general and

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1 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 2 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 3 amount to be proved at trial.

4       1.42 Plaintiff JOSH GREEN is an owner and/or resident of the property located at  
 5 303 10th Ave. N., Algona, Washington. Plaintiff JOSH GREEN has suffered foreseeable  
 6 injury and damage as a proximate result of DEFENDANTS' actions and failures to act in  
 7 that his property has been damaged, trespassed upon, his property rights have been  
 8 violated, the value of his home has been adversely affected, and he has been exposed to  
 9 toxic chemicals. Plaintiff JOSH GREEN brings suit against each DEFENDANT named  
 10 herein for each cause of action listed herein and seeks general and economic damages  
 11 directly and foreseeably resulting from DEFENDANTS' actions, consequential damages,  
 12 and attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

13       1.43 Plaintiff LEE LYNN HARDY is an owner and/or resident of the property  
 14 located at 40 2nd Ave. N., Algona, Washington. Plaintiff LEE LYNN HARDY has  
 15 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 16 and failures to act in that his property has been damaged, trespassed upon, his property  
 17 rights have been violated, the value of his home has been adversely affected, and he has  
 18 been exposed to toxic chemicals. Plaintiff LEE LYNN HARDY brings suit against each  
 19 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 20 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 21 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 22 amount to be proved at trial.

23       1.44 Plaintiff LISA ANN HARDY is an owner and/or resident of the property  
 24 located at 40 2nd Ave. N., Algona, Washington. Plaintiff LISA ANN HARDY has  
 25 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 26 and failures to act in that her property has been damaged, trespassed upon, her property  
 27 rights have been violated, the value of her home has been adversely affected, and she has

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1 been exposed to toxic chemicals. Plaintiff LISA ANN HARDY brings suit against each  
 2 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 3 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 4 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 5 amount to be proved at trial.

6       1.45 Plaintiff BARRY CURTIS HARMON II is an owner and/or resident of the  
 7 property located at 1028 Algona Blvd. N., Algona, Washington. Plaintiff BARRY  
 8 CURTIS HARMON II has suffered foreseeable injury and damage as a proximate result of  
 9 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 10 trespassed upon, his property rights have been violated, the value of his home has been  
 11 adversely affected, and he has been exposed to toxic chemicals. Plaintiff BARRY  
 12 CURTIS HARMON II brings suit against each DEFENDANT named herein for each  
 13 cause of action listed herein and seeks general and economic damages directly and  
 14 foreseeably resulting from DEFENDANTS' actions, consequential damages, and  
 15 attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

16       1.46 Plaintiff NICOLE HARMON is an owner and/or resident of the property  
 17 located at 1028 Algona Blvd. N., Algona, Washington. Plaintiff NICOLE HARMON has  
 18 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 19 and failures to act in that her property has been damaged, trespassed upon, her property  
 20 rights have been violated, the value of her home has been adversely affected, and she has  
 21 been exposed to toxic chemicals. Plaintiff NICOLE HARMON brings suit against each  
 22 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 23 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 24 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 25 amount to be proved at trial.

26       1.47 Plaintiff DONALD R. HAUPT is an owner and/or resident of the property  
 27 located at 302 3<sup>rd</sup> Ave. So., Algona, Washington. Plaintiff DONALD R. HAUPT has

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1 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 2 and failures to act in that his property has been damaged, trespassed upon, his property  
 3 rights have been violated, the value of his home has been adversely affected, and he has  
 4 been exposed to toxic chemicals. Plaintiff DONALD R. HAUPT brings suit against each  
 5 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 6 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 7 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 8 amount to be proved at trial.

9       1.48 Plaintiff KARI LYN HERNANDEZ is an owner and/or resident of the  
 10 property located at 314 Junction Blvd., Algona, Washington. Plaintiff KARI LYN  
 11 HERNANDEZ has suffered foreseeable injury and damage as a proximate result of  
 12 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 13 trespassed upon, her property rights have been violated, the value of her home has been  
 14 adversely affected, and she has been exposed to toxic chemicals. Plaintiff KARI LYN  
 15 HERNANDEZ brings suit against each DEFENDANT named herein for each cause of  
 16 action listed herein and seeks general and economic damages directly and foreseeably  
 17 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 18 expenses as allowed by law, and in an amount to be proved at trial.

19       1.49 Plaintiff RONALD A. HOLT is an owner and/or resident of the property  
 20 located at 229 5th Ave. N., Algona, Washington. Plaintiff RONALD A. HOLT has  
 21 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 22 and failures to act in that his property has been damaged, trespassed upon, his property  
 23 rights have been violated, the value of his home has been adversely affected, and he has  
 24 been exposed to toxic chemicals. Plaintiff RONALD A. HOLT brings suit against each  
 25 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 26 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 27 consequential damages, and attorneys' fees and expenses as allowed by law, and in an

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1 amount to be proved at trial.

2       1.50 Plaintiff BRIAN JONES is an owner and/or resident of the property located  
 3 at 208 9th Ave. N., Algona, Washington. Plaintiff BRIAN JONES has suffered  
 4 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 5 failures to act in that his property has been damaged, trespassed upon, his property rights  
 6 have been violated, the value of his home has been adversely affected, and he has been  
 7 exposed to toxic chemicals. Plaintiff BRIAN JONES brings suit against each  
 8 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 9 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 10 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 11 amount to be proved at trial.

12       1.51 Plaintiff MIKISHA D. JONES is an owner and/or resident of the property  
 13 located at 131 Tacoma Blvd., Algona, Washington. Plaintiff MIKISHA D. JONES has  
 14 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 15 and failures to act in that her property has been damaged, trespassed upon, her property  
 16 rights have been violated, the value of her home has been adversely affected, and she has  
 17 been exposed to toxic chemicals. Plaintiff MIKISHA D. JONES brings suit against each  
 18 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 19 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 20 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 21 amount to be proved at trial.

22       1.52 Plaintiff TATIANA JONES is an owner and/or resident of the property  
 23 located at 208 9th Ave. N, Algona, Washington. Plaintiff TATIANA JONES has suffered  
 24 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 25 failures to act in that her property has been damaged, trespassed upon, her property rights  
 26 have been violated, the value of her home has been adversely affected, and she has been  
 27 exposed to toxic chemicals. Plaintiff TATIANA JONES brings suit against each

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1 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 2 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 3 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 4 amount to be proved at trial.

5       1.53 Plaintiff PHYLLIS KAIN is an owner and/or resident of the property located  
 6 at 131 Tacoma Blvd., Algona, Washington. Plaintiff PHYLLIS KAIN has suffered  
 7 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 8 failures to act in that her property has been damaged, trespassed upon, her property rights  
 9 have been violated, the value of her home has been adversely affected, and she has been  
 10 exposed to toxic chemicals. Plaintiff PHYLLIS KAIN brings suit against each  
 11 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 12 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 13 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 14 amount to be proved at trial.

15       1.54 Plaintiff ROBERT KENNICOTT is an owner and/or resident of the property  
 16 located at 230 11<sup>th</sup> Ave. N, Algona, Washington. Plaintiff ROBERT KENNICOTT has  
 17 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 18 and failures to act in that his property has been damaged, trespassed upon, his property  
 19 rights have been violated, the value of his home has been adversely affected, and he has  
 20 been exposed to toxic chemicals. Plaintiff ROBERT KENNICOTT brings suit against  
 21 each DEFENDANT named herein for each cause of action listed herein and seeks general  
 22 and economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 23 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 24 amount to be proved at trial.

25       1.55 Plaintiff ANDREY KINAKH is an owner and/or resident of the property  
 26 located at 217 10<sup>th</sup> Ave. N., Algona, Washington. Plaintiff ANDREY KINAKH has  
 27 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions

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1 and failures to act in that his property has been damaged, trespassed upon, his property  
 2 rights have been violated, the value of his home has been adversely affected, and he has  
 3 been exposed to toxic chemicals. Plaintiff ANDREY KINAKH brings suit against each  
 4 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 5 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 6 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 7 amount to be proved at trial.

8       1.56 Plaintiff TONY KINGSADA is an owner and/or resident of the property  
 9 located at 314A 8<sup>th</sup> Ave. N, Algona, Washington. Plaintiff TONY KINGSADA has  
 10 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 11 and failures to act in that his property has been damaged, trespassed upon, his property  
 12 rights have been violated, the value of his home has been adversely affected, and he has  
 13 been exposed to toxic chemicals. Plaintiff TONY KINGSADA brings suit against each  
 14 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 15 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 16 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 17 amount to be proved at trial.

18       1.57 Plaintiff MICHELLE KLUSMEYER is an owner and/or resident of the  
 19 property located at 206 11<sup>th</sup> Ave. N, Algona, Washington. Plaintiff MICHELLE  
 20 KLUSMEYER has suffered foreseeable injury and damage as a proximate result of  
 21 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 22 trespassed upon, her property rights have been violated, the value of her home has been  
 23 adversely affected, and she has been exposed to toxic chemicals. Plaintiff MICHELLE  
 24 KLUSMEYER brings suit against each DEFENDANT named herein for each cause of  
 25 action listed herein and seeks general and economic damages directly and foreseeably  
 26 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 27 expenses as allowed by law, and in an amount to be proved at trial.

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1           1.58 Plaintiff SONJA LAPPING is an owner and/or resident of the property  
 2 located at 330 11th Ave. N., Algona, Washington. Plaintiff SONJA LAPPING has  
 3 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 4 and failures to act in that her property has been damaged, trespassed upon, her property  
 5 rights have been violated, the value of her home has been adversely affected, and she has  
 6 been exposed to toxic chemicals. Plaintiff SONJA LAPPING brings suit against each  
 7 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 8 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 9 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 10 amount to be proved at trial.

11           1.59 Plaintiff BRITTNEY LYNN LICKEY is an owner and/or resident of the  
 12 property located at 1009 Celery Ave., Algona, Washington. Plaintiff BRITTNEY LYNN  
 13 LICKEY has suffered foreseeable injury and damage as a proximate result of  
 14 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 15 trespassed upon, her property rights have been violated, the value of her home has been  
 16 adversely affected, and she has been exposed to toxic chemicals. Plaintiff BRITTNEY  
 17 LYNN LICKEY brings suit against each DEFENDANT named herein for each cause of  
 18 action listed herein and seeks general and economic damages directly and foreseeably  
 19 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 20 expenses as allowed by law, and in an amount to be proved at trial.

21           1.60 Plaintiff ROBIN LINDY is an owner and/or resident of the property located  
 22 at 316 Broadway Blvd., Algona, Washington. Plaintiff ROBIN LINDY has suffered  
 23 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 24 failures to act in that her property has been damaged, trespassed upon, her property rights  
 25 have been violated, the value of her home has been adversely affected, and she has been  
 26 exposed to toxic chemicals. Plaintiff ROBIN LINDY brings suit against each  
 27 DEFENDANT named herein for each cause of action listed herein and seeks general and

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 2 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 3 amount to be proved at trial.

4       1.61 Plaintiff WAYNE LINDY is an owner and/or resident of the property  
 5 located at 316 Broadway Blvd., Algona, Washington. Plaintiff WAYNE LINDY has  
 6 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 7 and failures to act in that his property has been damaged, trespassed upon, his property  
 8 rights have been violated, the value of his home has been adversely affected, and he has  
 9 been exposed to toxic chemicals. Plaintiff WAYNE LINDY brings suit against each  
 10 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 11 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 12 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 13 amount to be proved at trial.

14       1.62 Plaintiff ASHLEY LISENBY is an owner and/or resident of the property  
 15 located at 202 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff ASHLEY LISENBY has  
 16 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 17 and failures to act in that her property has been damaged, trespassed upon, her property  
 18 rights have been violated, the value of her home has been adversely affected, and she has  
 19 been exposed to toxic chemicals. Plaintiff ASHLEY LISENBY brings suit against each  
 20 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 21 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 22 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 23 amount to be proved at trial.

24       1.63 Plaintiff PAULLET LITTLEFIELD is an owner and/or resident of the  
 25 property located at 215 8th Ave. N., Algona, Washington. Plaintiff PAULLET  
 26 LITTLEFIELD has suffered foreseeable injury and damage as a proximate result of  
 27 DEFENDANTS' actions and failures to act in that her property has been damaged,

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1 trespassed upon, her property rights have been violated, the value of her home has been  
 2 adversely affected, and she has been exposed to toxic chemicals. Plaintiff PAULLET  
 3 LITTLEFIELD brings suit against each DEFENDANT named herein for each cause of  
 4 action listed herein and seeks general and economic damages directly and foreseeably  
 5 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 6 expenses as allowed by law, and in an amount to be proved at trial.

7       1.64 Plaintiff DEIDRE LORENZ is an owner and/or resident of the property  
 8 located at 317 7<sup>th</sup> Ave. N., Algona, Washington. Plaintiff DEIDRE LORENZ has suffered  
 9 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 10 failures to act in that her property has been damaged, trespassed upon, her property rights  
 11 have been violated, the value of her home has been adversely affected, and she has been  
 12 exposed to toxic chemicals. Plaintiff DEIDRE LORENZ brings suit against each  
 13 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 14 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 15 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 16 amount to be proved at trial.

17       1.65 Plaintiff COURTNEY MACISAAC is an owner and/or resident of the  
 18 property located at 218 10<sup>th</sup> Ave. N., Algona, Washington. Plaintiff COURTNEY  
 19 MACISAAC has suffered foreseeable injury and damage as a proximate result of  
 20 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 21 trespassed upon, her property rights have been violated, the value of her home has been  
 22 adversely affected, and she has been exposed to toxic chemicals. Plaintiff COURTNEY  
 23 MACISAAC brings suit against each DEFENDANT named herein for each cause of action  
 24 listed herein and seeks general and economic damages directly and foreseeably resulting  
 25 from DEFENDANTS' actions, consequential damages, and attorneys' fees and expenses  
 26 as allowed by law, and in an amount to be proved at trial.

27       1.66 Plaintiff PAUL MALAVOTTE is an owner and/or resident of the property

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1 located at 315 Broadway Blvd., Algona, Washington. Plaintiff PAUL MALAVOTTE has  
 2 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 3 and failures to act in that his property has been damaged, trespassed upon, his property  
 4 rights have been violated, the value of his home has been adversely affected, and he has  
 5 been exposed to toxic chemicals. Plaintiff PAUL MALAVOTTE brings suit against each  
 6 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 7 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 8 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 9 amount to be proved at trial.

10       1.67 Plaintiff RANDOLPH MALILONG is an owner and/or resident of the  
 11 property located at 311 9<sup>th</sup> Ave. N., Algona, Washington. Plaintiff RANDOLPH  
 12 MALILONG has suffered foreseeable injury and damage as a proximate result of  
 13 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 14 trespassed upon, his property rights have been violated, the value of his home has been  
 15 adversely affected, and he has been exposed to toxic chemicals. Plaintiff RANDOLPH  
 16 MALILONG brings suit against each DEFENDANT named herein for each cause of  
 17 action listed herein and seeks general and economic damages directly and foreseeably  
 18 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 19 expenses as allowed by law, and in an amount to be proved at trial.

20       1.68 Plaintiff ANNISSA MANOLOVITZ is an owner and/or resident of the  
 21 property located at 38 2<sup>nd</sup> Ave. N., Algona, Washington. Plaintiff ANNISSA  
 22 MANOLOVITZ has suffered foreseeable injury and damage as a proximate result of  
 23 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 24 trespassed upon, her property rights have been violated, the value of her home has been  
 25 adversely affected, and she has been exposed to toxic chemicals. Plaintiff ANNISSA  
 26 MANOLOVITZ brings suit against each DEFENDANT named herein for each cause of  
 27 action listed herein and seeks general and economic damages directly and foreseeably

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1 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 2 expenses as allowed by law, and in an amount to be proved at trial.

3       1.69 Plaintiff LISA MARTIN is an owner and/or resident of the property located  
 4 at 22 2<sup>nd</sup> Ave. So., Algona, Washington. Plaintiff LISA MARTIN has suffered foreseeable  
 5 injury and damage as a proximate result of DEFENDANTS' actions and failures to act in  
 6 that her property has been damaged, trespassed upon, her property rights have been  
 7 violated, the value of her home has been adversely affected, and she has been exposed to  
 8 toxic chemicals. Plaintiff LISA MARTIN brings suit against each DEFENDANT named  
 9 herein for each cause of action listed herein and seeks general and economic damages  
 10 directly and foreseeably resulting from DEFENDANTS' actions, consequential damages,  
 11 and attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

12       1.70 Plaintiff MARIE MCASKILL is an owner and/or resident of the property  
 13 located at 314 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff MARIE MCASKILL has  
 14 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 15 and failures to act in that her property has been damaged, trespassed upon, her property  
 16 rights have been violated, the value of her home has been adversely affected, and she has  
 17 been exposed to toxic chemicals. Plaintiff MARIE MCASKILL brings suit against each  
 18 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 19 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 20 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 21 amount to be proved at trial.

22       1.71 Plaintiff JILL A. MENTZER is an owner and/or resident of the property  
 23 located at 698 Chicago Ave. N., Algona, Washington. Plaintiff JILL A. MENTZER has  
 24 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 25 and failures to act in that her property has been damaged, trespassed upon, her property  
 26 rights have been violated, the value of her home has been adversely affected, and she has  
 27 been exposed to toxic chemicals. Plaintiff JILL A. MENTZER brings suit against each

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1 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 2 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 3 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 4 amount to be proved at trial.

5       1.72 Plaintiff JOHN L. MENTZER is an owner and/or resident of the property  
 6 located at 698 Chicago Ave. N., Algona, Washington. Plaintiff JOHN L. MENTZER has  
 7 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 8 and failures to act in that his property has been damaged, trespassed upon, his property  
 9 rights have been violated, the value of his home has been adversely affected, and he has  
 10 been exposed to toxic chemicals. Plaintiff JOHN L. MENTZER brings suit against each  
 11 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 12 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 13 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 14 amount to be proved at trial.

15       1.73 Plaintiff VICKI L. MILLS is an owner and/or resident of the property  
 16 located at 216 8<sup>th</sup> Ave. N., Algona, Washington. Plaintiff VICKI L. MILLS has suffered  
 17 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 18 failures to act in that her property has been damaged, trespassed upon, her property rights  
 19 have been violated, the value of her home has been adversely affected, and she has been  
 20 exposed to toxic chemicals. Plaintiff VICKI L. MILLS brings suit against each  
 21 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 22 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 23 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 24 amount to be proved at trial.

25       1.74 Plaintiff KAREN MILLSAP is an owner and/or resident of the property  
 26 located at 109 9<sup>th</sup> Ave. N., Algona, Washington. Plaintiff KAREN MILLSAP has suffered  
 27 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and

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1 failures to act in that her property has been damaged, trespassed upon, her property rights  
 2 have been violated, the value of her home has been adversely affected, and she has been  
 3 exposed to toxic chemicals. Plaintiff KAREN MILLSAP brings suit against each  
 4 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 5 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 6 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 7 amount to be proved at trial.

8       1.75 Plaintiff TERRENCE MILLSAP is an owner and/or resident of the property  
 9 located at 109 9<sup>th</sup> Ave. N., Algona, Washington. Plaintiff TERRENCE MILLSAP has  
 10 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 11 and failures to act in that his property has been damaged, trespassed upon, his property  
 12 rights have been violated, the value of his home has been adversely affected, and he has  
 13 been exposed to toxic chemicals. Plaintiff TERRENCE MILLSAP brings suit against each  
 14 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 15 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 16 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 17 amount to be proved at trial.

18       1.76 Plaintiff KYLIE MOREFIELD is an owner and/or resident of the property  
 19 located at 302 Junction Blvd., Algona, Washington. Plaintiff KYLIE MOREFIELD has  
 20 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 21 and failures to act in that her property has been damaged, trespassed upon, her property  
 22 rights have been violated, the value of her home has been adversely affected, and she has  
 23 been exposed to toxic chemicals. Plaintiff KYLIE MOREFIELD brings suit against each  
 24 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 25 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 26 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 27 amount to be proved at trial.

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1       1.77 Plaintiff ELIZABETH MORGAN is an owner and/or resident of the property  
 2 located at 330 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff ELIZABETH MORGAN has  
 3 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 4 and failures to act in that her property has been damaged, trespassed upon, her property  
 5 rights have been violated, the value of her home has been adversely affected, and she has  
 6 been exposed to toxic chemicals. Plaintiff ELIZABETH MORGAN brings suit against  
 7 each DEFENDANT named herein for each cause of action listed herein and seeks general  
 8 and economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 9 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 10 amount to be proved at trial.

11       1.78 Plaintiff TARA MOTT is an owner and/or resident of the property located at  
 12 632 Celery Ave., Algona, Washington. Plaintiff TARA MOTT has suffered foreseeable  
 13 injury and damage as a proximate result of DEFENDANTS' actions and failures to act in  
 14 that her property has been damaged, trespassed upon, her property rights have been  
 15 violated, the value of her home has been adversely affected, and she has been exposed to  
 16 toxic chemicals. Plaintiff TARA MOTT brings suit against each DEFENDANT named  
 17 herein for each cause of action listed herein and seeks general and economic damages  
 18 directly and foreseeably resulting from DEFENDANTS' actions, consequential damages,  
 19 and attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

20       1.79 Plaintiff CECILY NEILSEN is an owner and/or resident of the property  
 21 located at 1018 Algona Blvd., Algona, Washington. Plaintiff CECILY NEILSEN has  
 22 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 23 and failures to act in that her property has been damaged, trespassed upon, her property  
 24 rights have been violated, the value of her home has been adversely affected, and she has  
 25 been exposed to toxic chemicals. Plaintiff CECILY NEILSEN brings suit against each  
 26 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 27 economic damages directly and foreseeably resulting from DEFENDANTS' actions,

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1 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 2 amount to be proved at trial.

3       1.80 Plaintiff ANTHONY B. NOCERA is an owner and/or resident of the  
 4 property located at 306 9<sup>th</sup> Ave. N., Algona, Washington. Plaintiff ANTHONY B.  
 5 NOCERA has suffered foreseeable injury and damage as a proximate result of  
 6 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 7 trespassed upon, his property rights have been violated, the value of his home has been  
 8 adversely affected, and he has been exposed to toxic chemicals. Plaintiff ANTHONY B.  
 9 NOCERA brings suit against each DEFENDANT named herein for each cause of action  
 10 listed herein and seeks general and economic damages directly and foreseeably resulting  
 11 from DEFENDANTS' actions, consequential damages, and attorneys' fees and expenses  
 12 as allowed by law, and in an amount to be proved at trial.

13       1.81 Plaintiff DIANE C. NOCERA is an owner and/or resident of the property  
 14 located at 306 9<sup>th</sup> Ave. N., Algona, Washington. Plaintiff DIANE C. NOCERA has  
 15 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 16 and failures to act in that her property has been damaged, trespassed upon, her property  
 17 rights have been violated, the value of her home has been adversely affected, and she has  
 18 been exposed to toxic chemicals. Plaintiff DIANE C. NOCERA brings suit against each  
 19 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 20 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 21 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 22 amount to be proved at trial.

23       1.82 Plaintiff JESSICA PARKER is an owner and/or resident of the property  
 24 located at 134 8<sup>th</sup> Ave. N., Algona, Washington. Plaintiff JESSICA PARKER has suffered  
 25 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 26 failures to act in that her property has been damaged, trespassed upon, her property rights  
 27 have been violated, the value of her home has been adversely affected, and she has been

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1 exposed to toxic chemicals. Plaintiff JESSICA PARKER brings suit against each  
 2 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 3 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 4 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 5 amount to be proved at trial.

6       1.83 Plaintiff RICHARD PARKER is an owner and/or resident of the property  
 7 located at 134 8<sup>th</sup> Ave. N., Algona, Washington. Plaintiff RICHARD PARKER has  
 8 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 9 and failures to act in that his property has been damaged, trespassed upon, his property  
 10 rights have been violated, the value of his home has been adversely affected, and he has  
 11 been exposed to toxic chemicals. Plaintiff RICHARD PARKER brings suit against each  
 12 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 13 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 14 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 15 amount to be proved at trial.

16       1.84 Plaintiff PATRICIA PLATTNER is an owner and/or resident of the property  
 17 located at 110 4<sup>th</sup> Ave. N., Algona, Washington. Plaintiff PATRICIA PLATTNER has  
 18 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 19 and failures to act in that her property has been damaged, trespassed upon, her property  
 20 rights have been violated, the value of her home has been adversely affected, and she has  
 21 been exposed to toxic chemicals. Plaintiff PATRICIA PLATTNER brings suit against  
 22 each DEFENDANT named herein for each cause of action listed herein and seeks general  
 23 and economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 24 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 25 amount to be proved at trial.

26       1.85 Plaintiff MIKE RAMIREZ is an owner and/or resident of the property  
 27 located at 314 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff MIKE RAMIREZ has suffered

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1 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 2 failures to act in that his property has been damaged, trespassed upon, his property rights  
 3 have been violated, the value of his home has been adversely affected, and he has been  
 4 exposed to toxic chemicals. Plaintiff MIKE RAMIREZ brings suit against each  
 5 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 6 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 7 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 8 amount to be proved at trial.

9       1.86 Plaintiff LUDMILLA REDKA is an owner and/or resident of the property  
 10 located at 215 11<sup>th</sup> Ave. N., Algona Washington. Plaintiff LUDMILLA REDKA has  
 11 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 12 and failures to act in that her property has been damaged, trespassed upon, her property  
 13 rights have been violated, the value of her home has been adversely affected, and she has  
 14 been exposed to toxic chemicals. Plaintiff LUDMILLA REDKA brings suit against each  
 15 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 16 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 17 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 18 amount to be proved at trial.

19       1.87 Plaintiff BRIAN REITZ is an owner and/or resident of the property located  
 20 at 306 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff BRIAN REITZ has suffered  
 21 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 22 failures to act in that his property has been damaged, trespassed upon, his property rights  
 23 have been violated, the value of his home has been adversely affected, and he has been  
 24 exposed to toxic chemicals. Plaintiff BRIAN REITZ brings suit against each  
 25 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 26 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 27 consequential damages, and attorneys' fees and expenses as allowed by law, and in an

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1 amount to be proved at trial.

2       1.88 Plaintiff KATHLEEN RISMOEN is an owner and/or resident of the  
 3 property located at 210 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff KATHLEEN  
 4 RISMOEN has suffered foreseeable injury and damage as a proximate result of  
 5 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 6 trespassed upon, her property rights have been violated, the value of her home has been  
 7 adversely affected, and she has been exposed to toxic chemicals. Plaintiff KATHLEEN  
 8 RISMOEN brings suit against each DEFENDANT named herein for each cause of action  
 9 listed herein and seeks general and economic damages directly and foreseeably resulting  
 10 from DEFENDANTS' actions, consequential damages, and attorneys' fees and expenses  
 11 as allowed by law, and in an amount to be proved at trial.

12       1.89 Plaintiff MATTHEW MONTGOMERY ROBERTS is an owner and/or  
 13 resident of the property located at 240 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff  
 14 MATTHEW MONTGOMERY ROBERTS has suffered foreseeable injury and damage as  
 15 a proximate result of DEFENDANTS' actions and failures to act in that his property has  
 16 been damaged, trespassed upon, his property rights have been violated, the value of his  
 17 home has been adversely affected, and he has been exposed to toxic chemicals. Plaintiff  
 18 MATTHEW MONTGOMERY ROBERTS brings suit against each DEFENDANT named  
 19 herein for each cause of action listed herein and seeks general and economic damages  
 20 directly and foreseeably resulting from DEFENDANTS' actions, consequential damages,  
 21 and attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

22       1.90 Plaintiff LURA ELAINE ROBERTSON is an owner and/or resident of the  
 23 property located at 105 Algona Blvd. N., Algona, Washington. Plaintiff LURA ELAINE  
 24 ROBERTSON has suffered foreseeable injury and damage as a proximate result of  
 25 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 26 trespassed upon, her property rights have been violated, the value of her home has been  
 27 adversely affected, and she has been exposed to toxic chemicals. Plaintiff LURA

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1 ELAINE ROBERTSON brings suit against each DEFENDANT named herein for each  
 2 cause of action listed herein and seeks general and economic damages directly and  
 3 foreseeably resulting from DEFENDANTS' actions, consequential damages, and  
 4 attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

5       1.91 Plaintiff JANENE M. ROLLINS is an owner and/or resident of the property  
 6 located at 1031 Algona Blvd. N., Algona, Washington. Plaintiff JANENE M. ROLLINS  
 7 has suffered foreseeable injury and damage as a proximate result of DEFENDANTS'  
 8 actions and failures to act in that her property has been damaged, trespassed upon, her  
 9 property rights have been violated, the value of her home has been adversely affected, and  
 10 she has been exposed to toxic chemicals. Plaintiff JANENE M. ROLLINS brings suit  
 11 against each DEFENDANT named herein for each cause of action listed herein and seeks  
 12 general and economic damages directly and foreseeably resulting from DEFENDANTS'  
 13 actions, consequential damages, and attorneys' fees and expenses as allowed by law, and  
 14 in an amount to be proved at trial.

15       1.92 Plaintiff CLAUDE ROUGHT is an owner and/or resident of the property  
 16 located at W36 11<sup>th</sup> Ave. N., Algona, Washington. Plaintiff CLAUDE ROUGHT has  
 17 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 18 and failures to act in that his property has been damaged, trespassed upon, his property  
 19 rights have been violated, the value of his home has been adversely affected, and he has  
 20 been exposed to toxic chemicals. Plaintiff CLAUDE ROUGHT brings suit against each  
 21 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 22 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 23 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 24 amount to be proved at trial.

25       1.93 Plaintiff DAN RUDOLPH is an owner and/or resident of the property  
 26 located at 632 Celery Ave., Algona, Washington. Plaintiff DAN RUDOLPH has suffered  
 27 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and

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1 failures to act in that his property has been damaged, trespassed upon, his property rights  
 2 have been violated, the value of his home has been adversely affected, and he has been  
 3 exposed to toxic chemicals. Plaintiff DAN RUDOLPH brings suit against each  
 4 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 5 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 6 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 7 amount to be proved at trial.

8       1.94 Plaintiff DEBORAH A. RYAN is an owner and/or resident of the property  
 9 located at 904 Algona Blvd. N., Algona, Washington. Plaintiff DEBORAH A. RYAN has  
 10 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 11 and failures to act in that her property has been damaged, trespassed upon, her property  
 12 rights have been violated, the value of her home has been adversely affected, and she has  
 13 been exposed to toxic chemicals. Plaintiff DEBORAH A. RYAN brings suit against each  
 14 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 15 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 16 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 17 amount to be proved at trial.

18       1.95 Plaintiff RICHARD R. RYAN is an owner and/or resident of the property  
 19 located at 904 Algona Blvd. N., Algona, Washington. Plaintiff RICHARD R. RYAN has  
 20 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 21 and failures to act in that his property has been damaged, trespassed upon, his property  
 22 rights have been violated, the value of his home has been adversely affected, and he has  
 23 been exposed to toxic chemicals. Plaintiff RICHARD R. RYAN brings suit against each  
 24 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 25 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 26 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 27 amount to be proved at trial.

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1           1.96 Plaintiff STEVE SANBORN is an owner and/or resident of the property  
 2 located at 828 Chicago Ave., Algona, Washington. Plaintiff STEVE SANBORN has  
 3 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 4 and failures to act in that his property has been damaged, trespassed upon, his property  
 5 rights have been violated, the value of his home has been adversely affected, and he has  
 6 been exposed to toxic chemicals. Plaintiff STEVE SANBORN brings suit against each  
 7 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 8 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 9 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 10 amount to be proved at trial.

11           1.97 Plaintiff MICHAEL C. SCOTT is an owner and/or resident of the property  
 12 located at 110 4<sup>th</sup> Ave. N., Algona, Washington. Plaintiff MICHAEL C. SCOTT has  
 13 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 14 and failures to act in that his property has been damaged, trespassed upon, his property  
 15 rights have been violated, the value of his home has been adversely affected, and he has  
 16 been exposed to toxic chemicals. Plaintiff MICHAEL C. SCOTT brings suit against each  
 17 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 18 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 19 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 20 amount to be proved at trial.

21           1.98 Plaintiff DAVEENE KIM SEARS is an owner and/or resident of the  
 22 property located at 39 2<sup>nd</sup> Ave. N., Algona, Washington. Plaintiff DAVEENE KIM  
 23 SEARS has suffered foreseeable injury and damage as a proximate result of  
 24 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 25 trespassed upon, her property rights have been violated, the value of her home has been  
 26 adversely affected, and she has been exposed to toxic chemicals. Plaintiff DAVEENE  
 27 KIM SEARS brings suit against each DEFENDANT named herein for each cause of

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1 action listed herein and seeks general and economic damages directly and foreseeably  
 2 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 3 expenses as allowed by law, and in an amount to be proved at trial.

4       1.99 Plaintiff GERALD L. SEARS is an owner and/or resident of the property  
 5 located at 39 2nd Ave. N., Algona, Washington. Plaintiff GERALD L. SEARS has  
 6 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 7 and failures to act in that his property has been damaged, trespassed upon, his property  
 8 rights have been violated, the value of his home has been adversely affected, and he has  
 9 been exposed to toxic chemicals. Plaintiff GERALD L. SEARS brings suit against each  
 10 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 11 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 12 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 13 amount to be proved at trial.

14       1.100 Plaintiff DARRON SHOOK is an owner and/or resident of the property  
 15 located at 218 10<sup>th</sup> Ave. N., Algona, Washington. Plaintiff DARRON SHOOK has  
 16 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 17 and failures to act in that his property has been damaged, trespassed upon, his property  
 18 rights have been violated, the value of his home has been adversely affected, and he has  
 19 been exposed to toxic chemicals. Plaintiff DARRON SHOOK brings suit against each  
 20 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 21 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 22 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 23 amount to be proved at trial.

24       1.101 Plaintiff LISA SHOOK is an owner and/or resident of the property located  
 25 at 218 10<sup>th</sup> Ave. N., Algona, Washington. Plaintiff LISA SHOOK has suffered foreseeable  
 26 injury and damage as a proximate result of DEFENDANTS' actions and failures to act in  
 27 that her property has been damaged, trespassed upon, her property rights have been

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1 violated, the value of her home has been adversely affected, and she has been exposed to  
 2 toxic chemicals. Plaintiff LISA SHOOK brings suit against each DEFENDANT named  
 3 herein for each cause of action listed herein and seeks general and economic damages  
 4 directly and foreseeably resulting from DEFENDANTS' actions, consequential damages,  
 5 and attorneys' fees and expenses as allowed by law, and in an amount to be proved at trial.

6       1.102 Plaintiff STACIE SIPPO is an owner and/or resident of the property located  
 7 at 1025 Celery Ave., Algona, Washington. Plaintiff STACIE SIPPO has suffered  
 8 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 9 failures to act in that her property has been damaged, trespassed upon, her property rights  
 10 have been violated, the value of her home has been adversely affected, and she has been  
 11 exposed to toxic chemicals. Plaintiff STACIE SIPPO brings suit against each  
 12 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 13 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 14 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 15 amount to be proved at trial.

16       1.103 Plaintiff HAROLD A. SPONBERG is an owner and/or resident of the  
 17 property located at 1025 Celery Ave. N. Algona, Washington. Plaintiff HAROLD A.  
 18 SPONBERG has suffered foreseeable injury and damage as a proximate result of  
 19 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 20 trespassed upon, his property rights have been violated, the value of his home has been  
 21 adversely affected, and he has been exposed to toxic chemicals. Plaintiff HAROLD A.  
 22 SPONBERG brings suit against each DEFENDANT named herein for each cause of action  
 23 listed herein and seeks general and economic damages directly and foreseeably resulting  
 24 from DEFENDANTS' actions, consequential damages, and attorneys' fees and expenses  
 25 as allowed by law, and in an amount to be proved at trial.

26       1.104 Plaintiff PENNY J. SPONBERG is an owner and/or resident of the property  
 27 located at 1025 Celery Ave. N., Algona, Washington. Plaintiff PENNY J. SPONBERG

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1 has suffered foreseeable injury and damage as a proximate result of DEFENDANTS'  
 2 actions and failures to act in that her property has been damaged, trespassed upon, her  
 3 property rights have been violated, the value of her home has been adversely affected, and  
 4 she has been exposed to toxic chemicals. Plaintiff PENNY J. SPONBERG brings suit  
 5 against each DEFENDANT named herein for each cause of action listed herein and seeks  
 6 general and economic damages directly and foreseeably resulting from DEFENDANTS'  
 7 actions, consequential damages, and attorneys' fees and expenses as allowed by law, and  
 8 in an amount to be proved at trial.

9       1.105 Plaintiff TRENT B. TESTERMAN is an owner and/or resident of the  
 10 property located at 106 6<sup>th</sup> Ave. N., Algona, Washington. Plaintiff TRENT B.  
 11 TESTERMAN has suffered foreseeable injury and damage as a proximate result of  
 12 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 13 trespassed upon, his property rights have been violated, the value of his home has been  
 14 adversely affected, and he has been exposed to toxic chemicals. Plaintiff TRENT B.  
 15 TESTERMAN brings suit against each DEFENDANT named herein for each cause of  
 16 action listed herein and seeks general and economic damages directly and foreseeably  
 17 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and  
 18 expenses as allowed by law, and in an amount to be proved at trial.

19       1.106 Plaintiff BERNADETTE J. TRANHOLT is an owner and/or resident of the  
 20 property located at 37 2<sup>nd</sup> Ave. N., Algona, Washington. Plaintiff BERNADETTE J.  
 21 TRANHOLT has suffered foreseeable injury and damage as a proximate result of  
 22 DEFENDANTS' actions and failures to act in that her property has been damaged,  
 23 trespassed upon, her property rights have been violated, the value of her home has been  
 24 adversely affected, and she has been exposed to toxic chemicals. Plaintiff BERNADETTE  
 25 J. TRANHOLT brings suit against each DEFENDANT named herein for each cause of  
 26 action listed herein and seeks general and economic damages directly and foreseeably  
 27 resulting from DEFENDANTS' actions, consequential damages, and attorneys' fees and

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1 expenses as allowed by law, and in an amount to be proved at trial.

2       1.107 Plaintiff ROBIN L. TRANHOLT is an owner and/or resident of the  
 3 property located at 37 2<sup>nd</sup> Ave. N, Algona, Washington. Plaintiff ROBIN L. TRANHOLT  
 4 has suffered foreseeable injury and damage as a proximate result of DEFENDANTS'  
 5 actions and failures to act in that his property has been damaged, trespassed upon, his  
 6 property rights have been violated, the value of his home has been adversely affected, and  
 7 he has been exposed to toxic chemicals. Plaintiff ROBIN L. TRANHOLT brings suit  
 8 against each DEFENDANT named herein for each cause of action listed herein and seeks  
 9 general and economic damages directly and foreseeably resulting from DEFENDANTS'  
 10 actions, consequential damages, and attorneys' fees and expenses as allowed by law, and  
 11 in an amount to be proved at trial.

12       1.108 Plaintiff JEFFREY A. TRELKA is an owner and/or resident of the property  
 13 located at 901 Celery Ave., Algona, Washington. Plaintiff JEFFREY A. TRELKA has  
 14 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 15 and failures to act in that his property has been damaged, trespassed upon, his property  
 16 rights have been violated, the value of his home has been adversely affected, and he has  
 17 been exposed to toxic chemicals. Plaintiff JEFFREY A. TRELKA brings suit against each  
 18 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 19 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 20 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 21 amount to be proved at trial.

22       1.109 Plaintiff KAREN R. TRELKA is an owner and/or resident of the property  
 23 located at 901 Celery Ave., Algona, Washington. Plaintiff KAREN R. TRELKA has  
 24 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 25 and failures to act in that her property has been damaged, trespassed upon, her property  
 26 rights have been violated, the value of her home has been adversely affected, and she has  
 27 been exposed to toxic chemicals. Plaintiff KAREN R. TRELKA brings suit against each

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1 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 2 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 3 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 4 amount to be proved at trial.

5       1.110 Plaintiff JESSICA A. VAUGHN is an owner and/or resident of the property  
 6 located at 104 8<sup>th</sup> Ave. N., Algona, Washington. Plaintiff JESSICA A. VAUGHN has  
 7 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 8 and failures to act in that her property has been damaged, trespassed upon, her property  
 9 rights have been violated, the value of her home has been adversely affected, and she has  
 10 been exposed to toxic chemicals. Plaintiff JESSICA A. VAUGHN brings suit against  
 11 each DEFENDANT named herein for each cause of action listed herein and seeks general  
 12 and economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 13 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 14 amount to be proved at trial.

15       1.111 Plaintiff GABRIEL WARREN is an owner and/or resident of the property  
 16 located at 305 5<sup>th</sup> Ave. N. Algona, Washington. Plaintiff GABRIEL WARREN has  
 17 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 18 and failures to act in that his property has been damaged, trespassed upon, his property  
 19 rights have been violated, the value of his home has been adversely affected, and he has  
 20 been exposed to toxic chemicals. Plaintiff GABRIEL WARREN brings suit against each  
 21 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 22 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 23 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 24 amount to be proved at trial.

25       1.112 Plaintiff MAX WERDEN is an owner and/or resident of the property  
 26 located at 825 Celery Ave., Algona, Washington. Plaintiff MAX WERDEN has suffered  
 27 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and

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1 failures to act in that his property has been damaged, trespassed upon, his property rights  
 2 have been violated, the value of his home has been adversely affected, and she has been  
 3 exposed to toxic chemicals. Plaintiff MAX WERDEN brings suit against each  
 4 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 5 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 6 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 7 amount to be proved at trial.

8       1.113 Plaintiff TINA WERDEN is an owner and/or resident of the property  
 9 located at 825 Celery Ave., Algona, Washington. Plaintiff TINA WERDEN has suffered  
 10 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 11 failures to act in that her property has been damaged, trespassed upon, her property rights  
 12 have been violated, the value of her home has been adversely affected, and she has been  
 13 exposed to toxic chemicals. Plaintiff TINA WERDEN brings suit against each  
 14 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 15 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 16 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 17 amount to be proved at trial.

18       1.114 Plaintiff STACY WILEY is an owner and/or resident of the property  
 19 located at 312 9<sup>th</sup> Ave. N, Algona, Washington. Plaintiff STACY WILEY has suffered  
 20 foreseeable injury and damage as a proximate result of DEFENDANTS' actions and  
 21 failures to act in that her property has been damaged, trespassed upon, her property rights  
 22 have been violated, the value of her home has been adversely affected, and she has been  
 23 exposed to toxic chemicals. Plaintiff STACY WILEY brings suit against each  
 24 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 25 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 26 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 27 amount to be proved at trial.

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1           1.115 Plaintiff ANTHONY WILLIAMS is an owner and/or resident of the  
 2 property located at 326 11<sup>th</sup> Ave. N, Algona, Washington. Plaintiff ANTHONY  
 3 WILLIAMS has suffered foreseeable injury and damage as a proximate result of  
 4 DEFENDANTS' actions and failures to act in that his property has been damaged,  
 5 trespassed upon, his property rights have been violated, the value of his home has been  
 6 adversely affected, and he has been exposed to toxic chemicals. Plaintiff ANTHONY  
 7 WILLIAMS brings suit against each DEFENDANT named herein for each cause of action  
 8 listed herein and seeks general and economic damages directly and foreseeably resulting  
 9 from DEFENDANTS' actions, consequential damages, and attorneys' fees and expenses  
 10 as allowed by law, and in an amount to be proved at trial.

11           1.116 Plaintiff CINDA J. ZITTERICH is an owner and/or resident of the property  
 12 located at 135 Tacoma Blvd., Algona, Washington. Plaintiff CINDA J. ZITTERICH has  
 13 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 14 and failures to act in that her property has been damaged, trespassed upon, her property  
 15 rights have been violated, the value of her home has been adversely affected, and she has  
 16 been exposed to toxic chemicals. Plaintiff CINDA J. ZITTERICH brings suit against each  
 17 DEFENDANT named herein for each cause of action listed herein and seeks general and  
 18 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
 19 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
 20 amount to be proved at trial.

21           1.117 Plaintiff RICKY L. ZITTERICH is an owner and/or resident of the property  
 22 located at 135 Tacoma Blvd., Algona, Washington. Plaintiff RICKY L. ZITTERICH has  
 23 suffered foreseeable injury and damage as a proximate result of DEFENDANTS' actions  
 24 and failures to act in that his property has been damaged, trespassed upon, his property  
 25 rights have been violated, the value of his home has been adversely affected, and he has  
 26 been exposed to toxic chemicals. Plaintiff RICKY L. ZITTERICH brings suit against each  
 27 DEFENDANT named herein for each cause of action listed herein and seeks general and

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1 economic damages directly and foreseeably resulting from DEFENDANTS' actions,  
2 consequential damages, and attorneys' fees and expenses as allowed by law, and in an  
3 amount to be proved at trial.

## **II. DEFENDANTS**

5        2.1    Defendant The Boeing Company (hereafter “Boeing Company”) is a  
6 corporation organized under the laws of the State of Delaware and maintains its principle  
7 place of business in the State of Washington. Defendant Boeing Company is engaged  
8 business within King County and the State of Washington.

9       2.2   Defendant Boeing Company currently transacts business in King County and  
10      transacted business in King County at the time the causes of action arose. Defendant  
11      Boeing Company currently has and had an office for the transaction of business at the time  
12      the cause of action arose. Defendant Boeing Company employs one or more persons that  
13      resides in King County upon whom process may be served upon the corporation.

14        2.3    Defendant Boeing Commercial Airplanes is a corporation headquartered in  
15    Renton, Washington. Defendant Boeing Commercial Airplanes maintains its principle  
16    place of business in King County in the State of Washington. Defendant Boeing  
17    Commercial Airplanes is engaged in business within King County and the State of  
18    Washington.

19        2.4    Defendant Boeing Commercial Airplanes currently transacts business in  
20 King County and transacted business in King County at the time the causes of action arose.  
21 Defendant Boeing Commercial Airplanes currently has and had an office for the  
22 transaction of business at the time the cause of action arose. Defendant Boeing  
23 Commercial Airplanes employs one or more person that resides in King County upon  
24 whom process may be served upon the corporation.

25        2.5    Defendant Landau Associates, Inc. (hereafter "Landau Associates") is a  
26 corporation organized under the laws of the State of Washington. Defendant Landau  
27 Associates maintains its principle place of business in King County in the State of

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1 Washington. Defendant Landau Associates is engaged business within King County and  
2 the State of Washington.

3        2.6     Defendant Landau Associates currently transacts business in King County  
4 and transacted business in King County at the time the causes of action arose. Defendant  
5 Landau Associates currently has and had an office for the transaction of business at the  
6 time the cause of action arose. Defendant Landau Associates employs one or more person  
7 that resides in King County upon whom process may be served upon the corporation.

### **III. JURISDICTION AND VENUE**

9       3.1     This case properly brought before the Superior Court of the State of  
10 Washington for King County because Defendants Boeing Company, Boeing Commercial  
11 Airplanes, and/or Landau Associates reside in King County. More specifically, each of the  
12 Defendants transacts business in King County, has an office for the transaction of business,  
13 transacted business in King County at the time the cause of action arose, and employs one  
14 or more person that resides in King County upon whom process may be served upon the  
15 corporation. RCW 4.12.025(1). Further, Defendants have availed themselves of this  
16 jurisdiction.

17       3.2    Additionally, this case is properly brought before this Court because King  
18 County is the county where the torts were committed and the county where the work was  
19 performed for the corporations. RCW 4.12.025(3).

3.3 Additionally, this case is properly brought before this Court because King  
County is the county in which the real property that is the subject of the action is situated.  
This case involves the rights, possession and/or injury to real property situated in King  
County. RCW 4.12.010.

3.4 Additionally, this case is properly brought before this Court because King  
County is the county where the cause of action, or some part thereof, arose. More  
specifically, this action is for the recovery of damages for injuries to their person and

**PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES**

1      injuries to personal property that arose, or some part thereof that arose, in King County.  
 2      RCW 4.12.020(c).

#### 3                  IV. GENERAL FACTS

4      4.1     In 1966, Defendants Boeing Company and Boeing Commercial Airplanes  
 5      purchased certain property located at 700 15<sup>th</sup> Street SW in Auburn, Washington from the  
 6      General Services Administration. In 1974, Defendants Boeing Company and Boeing  
 7      Commercial Airplanes purchased additional adjacent property containing warehouses.  
 8      These properties stretched from 15<sup>th</sup> Street SW in a southerly direction to Ellingson Road.  
 9      These properties contained manufacturing and office buildings, warehouses, and other  
 10     support buildings and were known collectively as the Boeing Company Commercial  
 11     Airplanes Division Fabrication Plant in Auburn and/or the Boeing Auburn Plant (hereafter  
 12     “Boeing Auburn Plant”).

13     4.2     Defendants Boeing Company and Boeing Commercial Airplanes operated a  
 14     fabrication plant at this location for decades. Defendants Boeing Company and Boeing  
 15     Commercial Airplanes produced parts, tools, and assemblies for commercial airplanes. In  
 16     producing such products, Defendants Boeing Company and Boeing commercial Airplanes  
 17     used materials, chemicals, and/or solvents that they knew to be hazardous to human health  
 18     and harmful to the environment, including the soil and groundwater.

19     4.3     Defendants Boeing Company and Boeing Commercial Airplanes used  
 20     solvents as degreasing agents for metal parts. These solvents included, but are not limited  
 21     to, trichloroethylene (hereafter “TCE”), 1,1,1-trichloroethane (“TCA”),  
 22     tetrachloroethylene, also known as perchloroethylene (“PCE”) and may also include cis-  
 23     1,2 dichloroethene.

24     4.4     Defendants Boeing Company and Boeing Commercial Airplanes were  
 25     negligent in their use, handling, storage, transportation and disposal of these solvents.  
 26     Defendants Boeing Company and Boeing Commercial Airplanes knowingly allowed these  
 27

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 dangerous solvents to be dumped, sprayed, spilled, discharged, or otherwise released onto  
 2 and into the ground.

3       4.5 Defendants Boeing Company and Boeing Commercial Airplanes realized at  
 4 that time that there was a high probability of injury to others, their property, and/or  
 5 their rights due to Defendants' actions. Defendants Boeing Company and Boeing  
 6 Commercial Airplanes behaved with disregard to these likely consequences.

7       4.6 In 1987, Defendants Boeing Company and Boeing Commercial Airplanes  
 8 received a Resource Conservation and Recovery Act (RCRA) permit that specified the  
 9 requirements for treatment, storage, and handling of hazardous materials and waste. At  
 10 RCRA permitted facilities, corrective action is required for all releases of hazardous  
 11 substances at and from the facility to protect human health and the environment.

12       4.7 Since the issuance of the RCRA permit, the State of Washington Department  
 13 of Ecology ("DOE") identified numerous solid waste management units and areas of  
 14 concern with potential releases of hazardous substances associated with the Boeing  
 15 Auburn Plant.

16       4.8 In or about 2002, Defendants Boeing Company and Boeing Commercial  
 17 Airplanes agreed to complete a remedial investigation, feasibility study, draft a cleanup  
 18 action plan, perform cleanup actions and clean up as necessary to remediate releases of  
 19 hazardous substances associated with the Boeing Auburn Plant.

20       4.9 This agreement included provisions, among others, that Defendants Boeing  
 21 Company and Boeing Commercial Airplanes must identify the probable source of any  
 22 release of hazardous substances, chemical constituents, horizontal and vertical extent of  
 23 any release of hazardous substances, the rate and direction of migration of the hazardous  
 24 substances. Further, Defendants Boeing Company and Boeing Commercial Airplanes  
 25 were required to track and document the contamination concentrations and potential  
 26 migration.

27

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1           4.10 Defendants Boeing Company and Boeing Commercial Airplanes hired,  
 2 delegated, contracted with, partnered with, or otherwise shared the responsibilities with  
 3 Landau Associates for the investigation and remediation of the Boeing Auburn Plant.

4           4.11 In or about 2002, Defendants Boeing Company, Boeing Commercial  
 5 Airplanes, and Landau Associates identified a plume of volatile organic chemicals  
 6 (“VOCs”), including TCE and PCE and their degradation products including vinyl chloride  
 7 (“VC”) in the groundwater at the Boeing Auburn Plant. Defendants identified building 17-  
 8 05 of the Boeing Auburn Plant as the likely source of the plume of hazardous substances.  
 9 This plume was noted by Defendants Boeing Company, Boeing Commercial Airplanes,  
 10 and Landau Associates to have moved off of the Boeing Auburn Plant property and to be  
 11 continuing to move off of the property in the shallow groundwater in a north and/or  
 12 northwest direction.

13           4.12 Defendants Boeing Company, Boeing Commercial Airplanes, and Landau  
 14 Associates knew at that time that the movement of these hazardous substances posed a  
 15 threat to the health and rights of nearby property owners and residents and their properties.

16           4.13 Defendants Boeing Company, Boeing Commercial Airplanes, and Landau  
 17 Associates knew at that time that the presence of these hazardous substances in  
 18 groundwater would contaminate soil and escape through soil into the air on nearby  
 19 properties and into the homes and buildings thereon.

20           4.14 With this knowledge, Defendants had a duty to further investigate, track and  
 21 document, remediate, and/or otherwise clean up the hazardous substances and to  
 22 investigate further potential migration of the hazardous substances. Defendants had a  
 23 further duty to take reasonable actions to contain and/or minimize the movement of the  
 24 hazardous substances off the Boeing Auburn Plant property and onto nearby properties  
 25 and/or to warn of the presence and movement of such hazardous substances.

26           4.15 Defendants Boeing Company, Boeing Commercial Airplanes, and Landau  
 27 Associates failed to take reasonable actions in investigating, testing, tracking,

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 documenting, remediating, cleaning up, containing, minimizing movement, and/or warning  
 2 nearby property owners and residents of the presence of and movement of hazardous  
 3 substances into their neighborhoods, properties, and homes.

4       4.16 In or about 2009, Defendants Boeing Company, Boeing Commercial  
 5 Airplanes, and Landau Associates identified an second plume of VOCs including TCE,  
 6 PCE and their degradation products including VC. Defendants failed to identify the  
 7 probable sources of the contamination or where on the Boeing Auburn Plant this plume  
 8 originates.

9       4.17 This plume was noted by Defendants Boeing Company, Boeing Commercial  
 10 Airplanes, and Landau Associates to have moved off of and be continuing to move off of  
 11 the Boeing Auburn Plant property in the groundwater. Again, Defendants failed to take  
 12 reasonable actions in investigating, testing, tracking, documenting, remediating, cleaning  
 13 up, containing, minimizing movement, and/or warning nearby property owners and  
 14 residents of the presence of and movement of hazardous substances into their  
 15 neighborhoods, properties, and homes.

16       4.18 Finally, in 2013, Defendants Boeing Company, Boeing Commercial  
 17 Airplanes, and Landau Associates performed sampling in the area of plaintiffs' homes and  
 18 properties at the direction of the DOC.

19       4.19 Plaintiffs and residents in the area were finally informed of the presence of  
 20 hazardous substances on their properties, in the air and in their homes starting in or about  
 21 February of 2013.

22       4.20 Samples collected at several sites in the area of plaintiffs' properties,  
 23 including on plaintiffs' properties, contained VOCs and their degradation products  
 24 including TCE, PCP, cis-1,2 dichloroethene, and VC.

25       4.21 These VOCs including TCE have been detected in air samples taken by the  
 26 DOC in the crawl spaces and in homes. In August and September 2013, air samples  
 27 reporting levels of the chemicals of concern where reported in the Summary of Detected

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 Compounds by Eurofins Defendant Boeing Company, Boeing Commercial Airplanes, and  
2 Landau Associates' subcontractor laboratory. DOC is in the process of evaluating these  
3 results to determine the next regulatory response steps to be taken. DOC has advised  
4 homeowners the steps are likely to include additional sampling of their homes.

5        4.22 TCE at even low level exposures cause immune system effects such as  
6        immunosuppression or autoimmune disease including increased hypersensitivity, an  
7        increased chance of cancer from long-term exposure, and defects in human and fetal  
8        development.

9        4.23 The long-term human health effects after exposure to low concentrations of  
10 cis-1,2-dichloroethene are less clear, but at least one study suggests harmful effects on  
11 human and fetal growth and development. Both 1,2-dichloroethene and TCE breakdown  
12 or degrade in the environment into VC, also chemically present in, on, and around  
13 plaintiffs' properties.

4.24 VC is a known carcinogen. VC is also known to cause nerve damage and affect immune reactions.

## **V. CAUSES OF ACTION**

**AS AND FOR A FIRST CAUSE OF ACTION**

**(Negligence as to Defendants The Boeing Company,**

## **Boeing Commercial Airplanes, and Does 1 through 25)**

20 | 5.1 Plaintiffs hereby reallege and incorporate by reference the paragraphs above as  
21 | if fully restated herein.

22        5.2 Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25  
23 owed plaintiffs a duty to use reasonable care which a reasonably prudent person should use  
24 under the circumstances. Defendants Boeing Company, Boeing Commercial Airplanes,  
25 and Does 1-25 had a duty to use reasonable care under the circumstances while using,  
26 handling, storing, and/or disposing of hazardous substances including TCE, PCE, and/or  
27 cis-1,2 dichloroethene.

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1       5.3   Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25  
 2 breached their duties by failing to use reasonable care which a prudent person should use  
 3 under the circumstances and by releasing and/or discharging hazardous substances into the  
 4 ground so as to contaminate the soil, groundwater, watercourse, canal, well, spring, and/or  
 5 common waters, and plaintiffs' properties.

6       5.4   Additionally, when Defendants Boeing Company, Boeing Commercial  
 7 Airplanes, and Does 1-25 learned of the release or discharge of hazardous substances and  
 8 plume, they owed plaintiffs a duty act reasonably to investigate, remediate, clean up,  
 9 contain, minimize movement of, and eliminate the hazardous substances before they  
 10 injured or damaged plaintiffs and their property and/or to act reasonably to minimize the  
 11 injury and/or damage to plaintiffs and their property.

12      5.5   Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25  
 13 failed to take reasonable, adequate, and sufficient steps or action to investigate, clean up,  
 14 eliminate, correct, or remediate the release and/or discharge after it occurred and to act  
 15 reasonably to minimize the injury and/or damage to plaintiffs and their property.

16      5.6   Plaintiffs and their property suffered foreseeable injuries and damages as a  
 17 proximate result of said failures. At the time Defendants Boeing Company, Boeing  
 18 Commercial Airplanes, and Does 1-25 breached their duties to plaintiffs, Defendants  
 19 Boeing Company, Boeing Commercial Airplanes, and Does 1-25's acts and/or failures to  
 20 act posed recognizable and foreseeable possibilities of danger to plaintiffs so apparent as to  
 21 entitle plaintiffs to be protected against such actions or inactions.

22      5.7   Accordingly, plaintiffs seek damages from Defendants Boeing Company,  
 23 Boeing Commercial Airplanes, and Does 1-25, in an amount to be determined at trial,  
 24 directly resulting from the their injuries in a sufficient amount to compensate them for the  
 25 injuries and losses sustained and to restore plaintiffs to their original position, including,  
 26 but not limited to the difference between the current value of their properties and such  
 27 value if the harm had not been done, the cost of remediation actions, costs of repair or

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 restoration, the value of the use of the continuous trespass, injuries to persons, medical  
 2 costs, medical monitoring, attorneys' fees and expenses as allowed by law, and  
 3 consequential damages flowing from the contamination which are the natural and  
 4 proximate result of Defendants Boeing Company, Boeing Commercial Airplanes, and  
 5 Does 1-25's conduct in an amount to be proved at trial.

**AS AND FOR A SECOND CAUSE OF ACTION**

**(Nuisance as to Defendants The Boeing Company,**

**Boeing Commercial Airplanes, and Does 1 through 25)**

9       5.8 Plaintiffs hereby reallege and incorporate by reference the paragraphs above as  
 10 if fully restated herein.

11       5.9 Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25  
 12 have maintained and continue to maintain a condition on their properties that is injurious to  
 13 health, indecent, and/or offensive to the senses, and/or an obstruction to the free use of  
 14 property, so as to essentially interfere with plaintiffs' comfortable enjoyment of their life  
 15 and property. Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-  
 16 25's wrongful actions described herein resulting in the migration of hazardous substances  
 17 onto plaintiffs' properties, create noxious fumes, gases and odors, injure and/or annoy  
 18 plaintiffs in their enjoyment of their legal rights and quality of life. In doing so,  
 19 Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25 have caused  
 20 filth or noisome substance to be collected, deposited, or to remain in a place to the  
 21 prejudice of plaintiffs. Defendants Boeing Company, Boeing Commercial Airplanes, and  
 22 Does 1-25 have further discharged, released, or deposited offensive matter, in a  
 23 watercourse, canal, stream, spring, well, and/or common water in a manner to corrupt or  
 24 render unwholesome or impure such water of any to the injury or prejudice of others  
 25 including plaintiffs. Defendants Boeing Company, Boeing Commercial Airplanes, and  
 26 Does 1-25's unlawful acts and/or breaches of their duties have rendered plaintiffs insecure  
 27 in their life and/or in the use of their property.

**PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES**

5.10 Such acts by Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25, and/or their failure to take reasonable acts to remediate the hazardous substances were and are a foreseeable and proximate cause of substantial and unreasonable interference with plaintiffs' use and enjoyment of their property, injury, discomfort, annoyance, inconvenience, insecurity, and/or damage to plaintiffs and their property.

5.11 Accordingly, plaintiffs seek general damages from Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25 in an amount to be determined at trial, directly resulting from the their injuries in a sufficient amount to compensate them for the injuries and losses sustained by plaintiffs and to restore plaintiffs to their original position, including, but not limited to the difference between the current value of their properties and such value if the harm had not been done, the cost of repair or restoration, the value of the interference and loss of use and enjoyment of the property, injury to persons, medical costs, medical monitoring, attorneys' fees and expenses as allowed by law, and direct and consequential damages flowing from the nuisance which are the natural and proximate result of Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25 conduct in an amount to be proved at trial.

**AS AND FOR A THIRD CAUSE OF ACTION**

**(Trespass as to Defendants The Boeing Company,**

## **Boeing Commercial Airplanes, and Does 1 through 25)**

5.12 Plaintiffs hereby reallege and incorporate by reference the paragraphs above as if fully restated herein.

5.13 Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25 have and continue to trespass upon plaintiffs' properties. More specifically, Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25 have caused hazardous substances to enter plaintiffs' properties and contaminate the groundwater, ditches, soil, and air on their properties. This contamination releases noxious and harmful fumes and particulates into plaintiffs' homes and yards. According to Defendants Boeing Company,

PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 Boeing Commercial Airplanes and Landau Associates and DOC, this trespass continue for  
 2 decades, if not be permanent in nature.

3       5.14 Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25  
 4 have intentionally caused the hazardous substances to enter the ground and ground water  
 5 and enter and/or remain on plaintiffs' properties, and/or failed to remove the hazardous  
 6 substances from plaintiffs' properties while having a duty to do so.

7       5.15 Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25  
 8 acted intentionally in releasing or discharging or allowing the release or discharge of the  
 9 hazardous substances, and/or said acts were undertaken with the realization that there was  
 10 a high probability of injury to others, their property, and/or their rights. Defendants  
 11 Boeing Company, Boeing Commercial Airplanes, and Does 1-25 behaved with disregard  
 12 to these likely consequences.

13       5.16 Defendants Boeing Company, Boeing Commercial Airplanes, and Docs 1-  
 14 25's actions and failures to act caused hazardous substances to be deposited upon  
 15 plaintiffs' properties in the groundwater, ditches, soil, and/or air. These deposits cause  
 16 hazardous fumes and particulates to further enter plaintiffs' homes and air. Such deposits  
 17 and accumulations invade plaintiffs' rights to exclusive possession of the properties.

18       5.17 Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-  
 19 25's actions and resulting hazardous substances are a proximate cause of the present and  
 20 continued trespass, injury and actual damage to plaintiffs, their property and their right of  
 21 possession of their property.

22       5.18 Additionally and/or alternatively, Defendants Boeing Company, Boeing  
 23 Commercial Airplanes, and Does 1-25's failure to take reasonable actions to discover and  
 24 remediate, eliminate, correct, and/or remedy the contamination of the soil, groundwater,  
 25 and aquifer on their properties after having knowledge and notice of the probably presence  
 26 of said contamination were intentional acts that were a proximate cause of the invasion of  
 27

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 plaintiffs' rights to exclusive possession of the properties and a proximate cause of  
 2 plaintiffs' damages.

3       5.19 Based upon the above, plaintiffs seek general and economic damages from  
 4 Defendants Boeing Company, Boeing Commercial Airplanes, and Does 1-25, in an  
 5 amount to be determined at trial, directly resulting from the their injuries in a sufficient  
 6 amount to compensate them for the injuries and losses sustained by plaintiffs and to restore  
 7 plaintiffs to their original position, including, but not limited to the difference between the  
 8 current value of the land and such value if the harm had not been done, the cost of repair or  
 9 restoration, the value of the use of the continuous trespass, injury to persons, medical costs,  
 10 medical monitoring, consequential damages flowing from the trespass which are the  
 11 natural and proximate result of Defendants Boeing Company, Boeing Commercial  
 12 Airplanes, and Does 1-25 conduct, and attorneys' fees and expenses as allowed by law.

#### **AS AND FOR A FOURTH CAUSE OF ACTION**

##### **(Negligence as to Defendants Landau Associates and Does 26 through 50)**

15       5.20 Plaintiffs hereby reallege and incorporate by reference the paragraphs above as  
 16 if fully restated herein.

17       5.21 Defendants Boeing Company and Boeing Commercial Airplanes hired,  
 18 delegated, contracted with, partnered with, or otherwise shared the responsibilities with  
 19 Landau Associates for the investigation and remediation of the Boeing Auburn Plant.  
 20 Defendant Landau Associates undertook responsibilities with regard to the investigation,  
 21 remediation and cleanup of the Boeing Auburn Plant and owed duties to use reasonable  
 22 skill and act reasonably under the circumstances to perform these responsibilities.

23       5.22 Defendant Landau Associates and Does 26-50 have known for over a decade  
 24 about the existence of the plume of volatile organic chemicals, including TCE and PCE  
 25 and their degradation products including VC. Defendant Landau Associates and Does 26-  
 26 50 have known for many years that this plume had moved off of and was moving off of the  
 27 Boeing Auburn Plant property. Defendant Landau Associates and Does 26-50 has known

#### **PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES**

1 for many years that this movement of hazardous substances posed a threat to the health and  
 2 property of nearby residents and property owners.

3       5.23 Defendant Landau Associates and Does 26-50 failed to employ reasonable  
 4 care which a reasonably prudent person should use under the circumstances while  
 5 investigating, evaluating, remediating, containing, eliminating, cleaning-up and/or warning  
 6 nearby property owners and residents of the presence of and movement of hazardous  
 7 substances into their neighborhoods, properties, and homes.

8       5.24 Defendant Landau Associates and Does 26-50 undertook, either by contract,  
 9 agreement, and/or as an agent of other parties, to investigate, evaluate, remediate, contain,  
 10 minimize movement, eliminate, clean-up the hazardous substances, and/or communicate  
 11 the risks and dangers associated with the hazardous substances to nearby residents and  
 12 property owners.

13       5.25 Defendant Landau Associates and Does 26-50 owed plaintiffs a cognizable  
 14 duty to exercise reasonable care in the investigating, evaluating, tracking, documenting,  
 15 remediating, containing, minimizing movement, eliminating, cleaning-up the hazardous  
 16 substances, maintaining their tools and equipment used for such acts, and warning nearby  
 17 property owners and residents of the presence of and movement of hazardous substances  
 18 into their neighborhoods, properties, and homes.

19       5.26 Defendant Landau Associates and Does 26-50 breached those duties by  
 20 failing to act reasonably in investigating, evaluating, documenting, tracking, remediating,  
 21 containing, eliminating cleaning-up the hazardous substances and/or warning about the  
 22 presence of and movement of hazardous substances. More specifically, Defendant Landau  
 23 Associates and Does 26-50 failed to perform adequate and appropriate testing in the  
 24 appropriate locations, failed to create and implement a reasonable and adequate plan for  
 25 investigating, evaluating, remediating, containing, eliminating and/or cleaning-up the  
 26 hazardous substances, failed to take diligent action, and/or took improper action and  
 27

#### PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES

1 caused significant delay in the remediation of the Defendant Landau Associates and Does  
2 26-50.

3        5.27 Plaintiffs and their properties suffered foreseeable injuries and damages as a  
4 proximate result of said failures. At the time Defendant Landau Associates and Does 26-  
5 50 breached its duties to plaintiffs, Defendants' acts and/or failures to act posed  
6 recognizable and foreseeable possibilities of danger to plaintiffs so apparent as to entitle  
7 plaintiffs to be protected against such actions or inactions.

8        5.28 Accordingly, plaintiffs seek damages from Defendants Landau Associates  
9 and Does 26-50 in an amount to be determined at trial, directly resulting from the their  
10 injuries in a sufficient amount to compensate them for the injuries and losses sustained and  
11 to restore plaintiffs to their original position, including, but not limited to the difference  
12 between the current value of their properties and such value if the harm had not been done,  
13 the cost of remediation actions, costs of repair or restoration, the value of the use of the  
14 continuous trespass, injuries to persons, medical costs, medical monitoring, attorneys' fees  
15 and expenses as allowed by law, and consequential damages flowing from the  
16 contamination which are the natural and proximate result of Defendants Landau Associates  
17 and Does 26-50's conduct in an amount to be proved at trial.

## **VI. RESERVATION OF RIGHTS**

20        6.1 Plaintiffs reserve the right to assert additional claims and add additional  
21 parties as may be appropriate following further investigation and discovery in this action.

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**PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES**

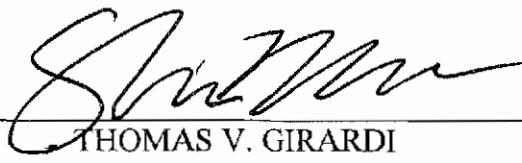
1                   **VII. REQUEST FOR RELIEF**

2                   WHEREFORE, Plaintiffs pray for judgment of liability in favor of Plaintiffs and  
3 against each Defendant herein as follows:

- 4                   1. For judgment against each Defendant for general and special damages in an  
5                   amount to be proven at trial;  
6                   2. For prejudgment interest on all damages herein;  
7                   3. For attorneys' fees and expenses as allowed by law; and  
8                   4. For such other and further relief as this Court deems just and equitable.

9  
10                  DATED this 19th day of March, 2014

GIRARDI | KEESE

11                  By: 

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13                  SHAWN J. McCANN  
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30  
31                  PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DAMAGES